

**CITY OF YORK COUNCIL  
SUMMONS**

All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a meeting of the **City of York Council** at **West Offices, Station Rise, York**, to consider the business contained in this agenda on the following date and time

Thursday, 20 July 2023 at 6.30 pm

## AGENDA

### 1. Declarations of Interest

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

(1) *Members must consider their interests, and act according to the following:*

<b>Type of Interest</b>	<b>You must:</b>
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related)</i> <b>OR</b> <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects)</i> <b>OR</b> <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate, and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, in which case speak on the item <u>only if</u> the public are also allowed to speak, but</i>

*otherwise not do not participate in the discussion or vote, and leave the meeting, unless you have a dispensation.*

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*

**2. Minutes (Pages 1 - 24)**

To approve and sign the minutes of the Ordinary Council meeting held on 23 March 2023 and the Annual Council meeting held on 25 May 2023.

**3. Civic Announcements**

To consider any announcements made by the Lord Mayor in respect of Civic business.

**4. Public Participation**

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Tuesday, 18 July 2023.**

To register to speak please visit

[www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services. Contact details can be found at the foot of this agenda.

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at

[www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we made some changes to how we're running council meetings. See our updates at [www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

## 5. Petitions

To consider any petitions received from Members in accordance with Standing Order B5. Notice has been received of one petition, to be presented by:

- Cllr Nelson, on behalf of residents of Acomb, regarding the Front Street Regeneration Project.

## 6. Report of Executive Leader, Questions, and Executive Recommendations (Pages 25 - 32)

To receive and consider a written report from the Leader and ask questions on the work of the Executive, and to consider the Executive recommendations for approval, as set out below:

Meeting	Date	Recommendations
Executive	15 June 2023 <a href="https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=13918">https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=13918</a>	Minute 11: Capital Programme Outturn 2022/23 and Revisions to the 2023/24-2027/28 Programme
Executive	13 July 2023 <a href="https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=13919">https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=13919</a>	Minute 20: Anti-Racism & Inclusion Strategy and Action Plan <i>(to follow)</i>

## 7. Report of Deputy Leader and Questions (Pages 33 - 34)

To receive and consider a written report from the Deputy Leader and, to question the Deputy Leader thereon.

## 8. Motions on Notice

To consider the following Motions on Notice under Standing

Order B13:

**Motions submitted for consideration directly by Council, in accordance with Standing Order 22.1**

(i) From Cllr Ravilious

**Safeguarding York's Future**

“Council notes:

- In 2019, City of York Council declared a Climate Emergency and committed to a target of making York carbon neutral by 2030;
- That over 200 Local Authorities have so far pledged to support the Climate and Ecology Bill – a Private Member's Bill brought to parliament by Olivia Blake MP - which, if it becomes law, would require the development of a strategy to ensure that the UK's environmental response is in line with the latest science;
- In March 2023, City of York Council adopted a 10 year Climate Strategy;
- The failure to update York's Local Transport Plan since it was adopted in 2011, despite improved understanding of the impact of transport on the climate;
- City of York Council's adoption of a Pollinator Strategy in 2021.

Council believes:

- the wording of the 2019 cross-party approved Climate Emergency Motion called for significantly more urgent action than the responses that the previous administration delivered;
- the ecological crisis should be tackled shoulder to shoulder with the climate crisis through a more joined-up approach, with a focus on reversing the destruction of nature by 2030, not just halting it;
- the 10 Year Climate Change Strategy lacked sufficient commitment, in particular through the omission of intermediate carbon reduction targets;
- any updated Local Transport Plan should reflect and improve on the targets for reductions in greenhouse emissions from private vehicle and freight journeys set out within the current 10 year Climate Change Strategy and

- previously adopted motions;
- there has not yet been enough tangible action to reflect the admirable ambitions set out in York's adopted Pollinator Strategy.

Council therefore resolves to request:

- that the Lord Mayor and Executive Members begin Full Council, Executive meetings and Executive Member Decision Sessions respectively by reminding Members of the remaining days until 1<sup>st</sup> January 2030, by which time we have pledged to be carbon neutral and requesting that Members keep this at the forefront of their minds when taking decisions;
- that the Leader writes to our local MPs urging them to sign up to support the Climate & Ecology Bill, or thanking them for already doing so; and write to Zero Hour, and organisers of the cross-party campaign for the Climate & Ecology Bill, expressing its support;
- request that the Executive develops a process that demonstrates clear commitment to a strengthened York 10-year Climate Change Strategy by exploring a series of intermediate carbon reduction targets, following exploration of the topic at Corporate and Climate Scrutiny Committee and following receipt of an options report to Executive;
- that the Executive Member for Transport brings forward an updated Local Transport Plan that reflects the latest science and which includes ambitious targets in line with a strengthened York 10 year Climate Strategy;
- that the Executive Members for Environment and Climate Emergency take steps to implement the actions that deliver on the Pollinator Strategy to achieve a measurable increase in biodiversity.”

(ii) From Cllr Fenton

## **Highway Maintenance**

“Council notes:

- That the council's Highways Schemes budget for 2023/24, agreed in February 2023, is £8.929 million (including £1.174 million carried forward from 2022/23) and that this is supplemented with an additional pothole funding allocation

- of £504,000 for 2023/24 from the Department for Transport
- That In 2020/21 the Government cut York's highways maintenance funding from £4m to £2.8m and confirmed that funding would remain at this lower level for three years. This amounts to a total cut of £4.8m - equivalent to 19,000 fewer potholes being repaired each year
  - That in the budget agreed in February 2023, an additional £250,000 was allocated to allow local wards to invest directly in improvements such as repairing local roads
  - That the current high level of inflation means that available funding for highway maintenance is even more stretched
  - That officers estimate that it would cost £190 million to bring York's highways network up to an excellent standard
  - That in recent years there have been a number of additional pressures on the council's budget, such as the installation of new infrastructure in response to Police and counter-terrorism advice on the risk of a city centre hostile vehicle attack
  - That the council's current Highways Infrastructure Asset Management Plan was adopted in 2021
  - That the council's current Highways Safety Inspection Manual was adopted in 2020 and, as envisaged when adopted, is currently subject to a review by officers
  - That the 'investigatory level' for potholes is 40mm vertical face depth and 200mm across in any horizontal direction and that for 'cycle lanes' the level is 20mm vertical face depth, but there is no reference in the Manual to 'cycle margins' ie the section of road near to the kerb but which is not a marked lane
  - That in York there are a large number of concrete roads which, some years ago, were overlaid with a tarmac layer approximately 30mm in depth and that the tarmac layer on many of these roads is crumbling, causing potholes to develop
  - That due to the concrete structure of these roads remaining largely intact, these potholes are unlikely to ever meet the investigatory threshold set out in the Manual.

Council believes:

- That poor road surfaces pose a hazard to cyclists, pedestrians, wheelchair and mobility scooter users, motorcyclists and motorists

- That concrete roads with a tarmac top layer pose a particular hazard in that when the tarmac begins to fail, this can be rapid and widespread and lead to a significant length of road becoming difficult and dangerous to use, particularly for cyclists
- That whilst funding for Highway maintenance is likely to continue to be stretched, more specific consideration needs to be given to the maintenance of concrete roads with a tarmac top layer.

Council resolves to request that the Executive:

- Expedites the review of the Highways Safety Inspection Manual
- Requires that as part of this review, a change to the 'investigatory level' for potholes to 30mm vertical face depth is secured
- Ensures that the relevant scrutiny committee and special interest groups (such as those relating to cycling and disability rights) are consulted to better understand the impacts of the current approach to highway maintenance as described in the Manual."

(iii) From Cllr Rowley

### **Getting York Moving Fairly**

"Council notes the transport problems in York from 2019-2023, caused by an administration clashing with itself and the damage that this has done to the council's reputation amongst residents. Council believes it is vital that sustainable modes of transport including cycling and walking are prioritised but opposes a war on the car user. Council also believes inclusivity for all is paramount and that rural transport users need greater recognition and disabled people should be at the forefront of provision.

For the next four year administration, Council asks the Executive to commits to:

1. Look wherever possible to improve the cycle network, including better linking of villages
2. Reverse the City Centre Blue Badge ban
3. Rule out a Congestion Charge
4. Address the stalled work on the dualling of the A1237."



(iv) From Cllr Nelson

### **A City Response to Food Insecurity**

“This council notes:

- in January 2023, 21.6% of family households reported children with direct experience of food insecurity and shortage in the past month, affecting an estimated 3.7 million children. This percentage had almost doubled in just 12 months;
- in these households, 3 in 4 reported being worried about the impact of being unable to afford sufficient food on their children's physical and mental health;
- food price inflation currently sits at 18.4%, amongst its highest rate in almost 50 years, leaving families facing tough choices about what goes into the shopping basket each week;
- problems faced by children and young people due to food insecurity and shortage go way beyond just being hungry and affect mental health, obesity rates, dental health and other aspects of the child and their families' life;
- the benefits of growing food on mental and physical health;
- the significant waiting lists for all allotment sites across the city;
- the impact small businesses and 'micro-farmers' can have on improving food security for local communities;
- the benefits of local food production and 'micro-farmers' can have on the environment;
- the contribution of growing and consuming local food on the future of York as a sustainable city.

Council believes that at a time of such economic turmoil, providing greater access to cheap, healthy, locally grown food could help avert poor health outcomes for many York residents.

This council resolves to ask the Executive to:

- write a letter to the Prime Minister and relevant ministers about the importance of introducing auto-enrolment for those entitled to free school meals;
- promote enrolment for free school meals to support children, young people and their families to help combat food insecurity and shortage in York;

- encourage larger food providers in and around York to sign up to York's Good Business Charter, including paying the Real Living Wage;
- work more closely with groups like Edible York and YACIO (York Allotments Charitable Incorporated Organisation) to develop ideas for increasing the number of public green spaces available for food production by communities across York;
- request that the council's scrutiny function undertakes a review of community food growing opportunities and makes recommendations to Executive to expand these opportunities, including considering the prospects for expanding an Edible York project in Tang Hall to other parts of the city to bring more underused gardens into use for food growing."

**9. Questions to the Leader or Executive Members**

To question the Leader and/or Executive Members in respect of any matter within their portfolio responsibility, in accordance with Standing Order B11.

**10. Report of Executive Member (Pages 35 - 42)**

To receive a written report from the Executive Member for Finance, Performance, Major Projects and Equalities, and to question the Executive Member thereon, in accordance with Standing Orders B9 and B10. This report also includes proposals in relation to a Budget amendment, on which a named vote will be taken.

**11. Public Footpath Copmanthorpe No 2 - Proposed closure of Level Crossing and Footpath Diversion - City of York Council Objection to Network Rail's Application under the Provisions of the Transport and Works Act 1992 (Pages 43 - 54)**

To consider a report of the Director of Transport, Environment & Planning seeking Council's endorsement of an objection to the above application for the proposed closure of a pedestrian level crossing and the diversion of the existing public footpath between Copmanthorpe and Bishopthorpe.

- 12. Update on Governance Arrangements for the Yorkshire Purchasing Organisation (YPO)** (Pages 55 - 120)  
To consider a report of the Monitoring Officer which seeks approval to sign a revised Management Agreement setting out the governance arrangements for the YPO Joint Management Committee following a review.
- 13. Independent Remuneration Panel** (Pages 121 - 124)  
To consider a report of the Monitoring Officer seeking approval of proposed appointments to the Independent Remuneration Panel that will review the allowances and entitlements given to elected Members.
- 14. Independent Person - Audit & Governance Committee**  
(Pages 125 - 128)  
To consider a report of the Monitoring Officer which seeks approval to provisionally extend the term of office of the currently appointed Independent Person on the Audit & Governance Committee for a further 2 years.
- 15. Appointments and Changes to Membership** (Pages 129 - 130)  
To consider the appointments and changes to membership of committees and outside bodies set out on the list attached to this summons.
- 16. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer

Fiona Young

Contact details:

- Telephone – (01904) 552030
- Email [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

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- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

**City of York Council**

Resolutions and proceedings of the Meeting of the City of York Council held at the Guildhall, York on Thursday, 23 March 2023, starting at 6.30 pm

**Present:** The Lord Mayor (Cllr David Carr) in the Chair, and the following Councillors:

Acomb Ward

Bishopthorpe Ward

Lomas

Clifton Ward

Copmanthorpe Ward

D Myers  
Wells

Dringhouses & Woodthorpe Ward

Fishergate Ward

Fenton  
Mason  
Widdowson

D'Agorne  
D Taylor

Fulford and Heslington Ward

Guildhall Ward

Aspden

Craghill  
Fitzpatrick  
Looker

Haxby & Wigginton Ward

Heworth Ward

Cuthbertson  
Hollyer  
Pearson

Douglas  
Perrett  
Webb

Heworth Without Ward

Holgate Ward

Ayre

Heaton  
Melly  
K Taylor

Hull Road Ward

Musson  
Norman

Huntington and New Earswick  
Ward

Cullwick  
Orrell  
Runciman

Micklegate Ward

Baker  
Crawshaw  
Kilbane

Osbaldwick and Derwent Ward

Rowley BEM  
Warters

Rawcliffe and Clifton Without Ward

Smalley  
Wann  
Waudby

Rural West York Ward

Barker  
Hook

Strensall Ward

Doughty  
Fisher

Westfield Ward

Daubeney  
Hunter  
Waller

Wheldrake Ward

Vassie

Apologies for absence were received from Councillors Barnes, Galvin and Pavlovic

**52. Declarations of Interest (18:34)**

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests they might have in the business on the agenda.

No interests were declared, but for the sake of transparency Cllr Doughty stated, in relation to Agenda Item 8(iv) (Council Backs Haxby Station Project) that he had recently taken early retirement from Northern Rail.

**53. Minutes (18:35)**

Resolved: That the minutes of the Budget Council meeting held on 23 February 2023 be approved, and signed by the Chair as a correct record.

**54. Civic Announcements (18:35)**

The Lord Mayor announced that he had recently received the following gifts on behalf of the City:

- A portrait painted by a soldier wounded in Ukraine, at an exhibition of art created as part of rehabilitation activities;
- A folk ornament from Thai local government officials at a University reception.

The Lord Mayor went on to read out a message from Cllr John Galvin, a long-serving Member and former Lord Mayor who was standing down at the next Election. He paid tribute to Cllr Galvin, who was unable to attend the Council meeting due to illness.

**55. Public Participation (18:39)**

It was reported that 10 people had registered to speak at the meeting under the Council's Public Participation Scheme.

Aoibheann Kilfeather spoke on Agenda Item 8(iii) (Motion on Removing Barriers to an Education and Educational Attainment), highlighting the importance of SEN support for school-refusing children of primary school age. Her daughter, Aoife, also spoke to share her own experience of this support and her successful return to school.

James Else also spoke on Motion (iii) in relation to SEN support, stating that teachers were doing an outstanding job within an outdated framework that had led to a negative spiral, particularly at secondary school, and was not fit for purpose.

Emma Strachan also spoke on Motion (iii), on behalf of a group of parents who believed their children with SEND were being failed by the education system in York, highlighting issues that had resulted from replacing teaching assistants with agency staff.

Cathryn Auplish also spoke on Motion (iii), as a parent of two children with SEND, sharing her own experiences of what had and hadn't worked and recommending the development of a protocol as a first step to improvement.

Debbie Cobbett spoke on Agenda Items 6, 7, 10 and 11 (Reports of the Leader, Deputy Leader, Executive Member and Scrutiny Chair), expressing concern about a lack of publicity in York on voter ID requirements and stressing the need to address issues affecting the city, particularly in relation to climate change.

Flick Williams spoke on Agenda Item 11 (Report of the Scrutiny Chair), agreeing with the content of the report and stating that scrutiny committees must be properly resourced if the Council were continue to operate under the Leader and Executive model.

The remaining registered speakers did not attend the meeting.

## **56. Petitions (19:04)**

Under Rule B5 2, the following petitions were presented for reference to the Customer and Corporate Services Scrutiny Management Committee, in accordance with the Council's petition arrangements:

- (i) A petition presented by Cllr Doughty, on behalf of residents calling on the council to prioritise the creation of an off-road cycle path connecting Strensall with Huntington and Earswick.<sup>1</sup>
- (ii) A petition presented by Cllr Doughty, on behalf of residents of Strensall, calling on the council to prioritise the re-surfacing of Haxby Moor Road.<sup>2</sup>



- (iii) A petition presented by Cllr Doughty, on behalf of residents of Stockton-on-the-Forest, asking the council to prioritise the re-surfacing of a number of roads in their area.<sup>3</sup>
- (iv) A petition presented by Cllr Smalley, on behalf of residents calling on the council to adopt the roads and infrastructure on the Granary (RedRow) Estate in Clifton Without.<sup>4</sup>

Action Required

- 1. Add the petition on creation of an off-road cycle path from Strensall to Huntington to the petitions log for referral to CCSMC SS
- 2. Add the petition on the resurfacing of Haxby Moor Road to the petitions log for referral to CCSMC SS
- 3. Add the petition on the resurfacing of roads in Stockton on the Forest to the petitions log for referral to CCSMC SS
- 4. Add the petition on adoption of roads on the Granary estate in Clifton Without to the petitions log for referral to CCSMC SS

**57. Report of Executive Leader and Questions (19:09)**

A written report was received from the Executive Leader, Cllr Aspden, on the work of the Executive.

Members were then invited to question the Leader on his report. Questions were received from the floor from the following Members in relation to the subjects listed, and replied to as indicated:

2023/24 Council Budget

**From Cllr Kilbane:** Executive Members are telling people on the doorstep that exclusion of Blue Badge holders from the city centre was forced on them by the security services, which contradicts the account of former Supt. Mark Khan. Have ruling councillors agreed privately to mislead the public, and if not will you commit to disciplining those councillors who are telling people that?

**Response:** On the substantive question you are asking, we want everyone to safely enjoy our historic and beautiful city safely. As you know, strong advice was given.... If you want me to answer your tittle tattle question, I have seen your comments on social media, which I do not think are correct.

*[Supplementary from Cllr Crawshaw: You are therefore suggesting that my father, who had his door knocked by 2 Executive Members and was told that they had not taken the decision to exclude Blue Badge holders from the city centre when they clearly had done [was not telling the truth]?]*

**Supplementary Response:** You've not told me who or sent any message to me, so it's impossible to answer that question. I do not believe the way you characterise it was exactly how it happened. I would be very happy to give you a substantive answer to the important questions you raise but you were heckling me so it was impossible to do so.]

### Devolution

**From Cllr Warters:** Are you content to leave as your legacy to York the handing over of significant powers to an elected Mayor, who is very likely to be the current Police, Fire & Crime Commissioner your colleagues have been critical of in the Lib Dem motion at this meeting?

**Response:** York & North Yorkshire Devolution is a real opportunity for the city and the only way we will get significant funding to deliver projects to make a real difference in decades to come. In that sense, I couldn't care less who the Mayor is in May 2024; what's really important is to put aside our small political concerns and grasp the opportunities it gives.

*[Supplementary: What happened to the promises you made under the Labour administration once you got the position of Leader?]*

**Supplementary Response:** There was a hung council when Labour lost power and Opposition groups came together at that time and looked at various things, including how the Council makes its decisions. One of the things everyone signed up to was to do a review of that process and it will be for the new Council to follow that up and look at the pros and cons of different models going forward.

### Purple Flag

**From Cllr Lomas:** This is a question I received from a resident of Westfield ward about the budget item on tackling anti-social behaviour mentioned in your report. She worries that a one-off commitment will fail to tackle the problem in the long term. Can you explain why this commitment doesn't last beyond election year?

**Response:** The motion in front of us later states why this is an important issue to tackle. The funding is one-off and it was important to put it in the budget, but future councils are going to need to look at investing in community safety as well, in partnership with the police and the commissioner's office. If you want to send a particular query to the Ward Members or myself we'd be happy to look at that too.

**58. Report of Deputy Leader and Questions (19:38)**

A written report was received from the Deputy Leader, Cllr D'Agorne.

Members were then invited to question the Deputy Leader on his report. Questions were received from the floor from the following Members in relation to the subjects listed, and replied to as indicated:

10 Year Vision for Transport and Consultation

**From Cllr Webb:** Your administration has presided over a significant decline in cycling rates, squandered sustainable travel opportunities and set back traffic reduction by years. Given this track record, why would residents who share a vision of a cleaner, lower polluting city with more and safer active travel options back the Green party in this election?

**Response:** Because it has the vision and has already made a number of significant changes, as can be demonstrated by looking at the policies brought forward in spite of the challenges of Covid etc. We are committed to making good on those promises and implementing the schemes drawn up. We have to secure the funding to be able to deliver them, hopefully with cross-party support. We have a draft Walking and Cycling Infrastructure Plan which I hope all parties will be contributing towards so that we can make active travel a positive choice for people instead of using the car.

*[Supplementary from Cllr Kilbane: Why have you spent 4 years talking about things rather than doing them?]*

**Supplementary Response:** Certain projects in the past have moved forward without having that underpinning, and the last Labour administration did a u-turn on sustainable travel. We have been careful to try and avoid that situation by making sure our policies are underpinned with evidence and have the support of residents.

**From Cllr Wann:** Do you share my concerns about the national cuts to the Active Travel England programme?

**Response:** That certainly is a serious concern – the government put in place ambitious policies to promote Active Travel, with 50% of local trips to be by walking or cycling, but that cannot happen overnight without funding. If the government is going to withdraw that funding, the targets will not be met. Depending on the outcome of our most recent bid we may be able to put forward a fully costed response to the riverside path to Jubilee Terrace. Some funding and how that would be spent was identified at my Decision Session, but we need additional funding to be able to deliver.

*[Supplementary from Cllr K Taylor: The city's indicative allocation was £360k but a bid for £1.57m was submitted for the riverside pathway scheme. What is the Plan B if that doesn't succeed?]*

**Supplementary Response:** The figure you quote is correct, but the letter from the DoT indicates that councils are encouraged to bid for more if appropriate and that's what we did. Your project did well to get to that point of being put forward.

**From Cllr Crawshaw:** In December 2019 you voted in favour of a motion to remove non-essential vehicles from the city centre and said you would have a plan in place by 2023. What has happened?

**Response:** Covid, among other things.

[The meeting was adjourned for a break at 19:50 and resumed at 20:12]

## 59. Motions on Notice (20:12)

### (i) Care Leavers' Transport Costs

Cllr Baker sought consent to alter her motion to incorporate the amendment submitted by Cllr Webb.

Council having granted consent, the altered motion was moved by Cllr Baker and seconded by Cllr D'Agorne, as follows:

“Council notes:

- That all Councillors are corporate parents and that a key principle of this responsibility is to help ensure that children & young people in our care are provided with the same

opportunities that children and young people might reasonably expect to be provided with in any family;

- That care leavers over the age of 18 are currently offered:
  - 10 hours of driving lessons
  - Support with passing the Compulsory Basic Training (for motorcycles)
  - The cost of the first driving theory test
  - The cost of the first driving test.
- That such support around private transport can help care leavers to access employment and leisure opportunities;
- That the council does not currently offer equivalent support for costs relating to public transport or incentives to choose active travel.

Council believes:

- That care leavers often face a significant range of barriers, crossing all spheres of life, and that we as corporate parents should always be mindful of our responsibility to work to remove these barriers wherever and however we can, acknowledging that just like in any family, the priorities of children and young people might not always align with those of the people responsible for them;
- That it is important to enable care leavers to choose low or no carbon travel options through the use of public transport and active travel habits in their day to day lives as they develop into adulthood and that as a corporate parent the Council should assist them to do so.
- That being able to travel beyond the city's boundaries is important for both job opportunities and broader life experiences.

Council therefore resolves to request that following May's elections, the new Executive consider what additional offer could be made to Care Leavers including assessing the feasibility of also offering care leavers the option of:

- Financial assistance with annual bus travel, a 16–25 rail card and discounted access to the TIER e-cycle/ e-scooter scheme up to the age of 25;
- Free urban cycle skills training;
- A contribution towards a bicycle and appropriate protective clothing and through working with partners, find ways to cover the full costs of a new bicycle and appropriate accessories.”

On being put to the vote, the motion was declared CARRIED and it was

Resolved: That the above motion be approved.<sup>1</sup>

(ii) Return to Community Policing

Moved by Cllr Daubeney, seconded by Cllr Smalley.

“This Council notes that:

- The number of Police Community Support Officers has fallen by 20% (50 full-time equivalent PCSOs) since 2021 across North Yorkshire.
- Despite a 4.99 per cent rise in the Police percept, which amounts to £14.03 extra for the average band D household, the North Yorkshire Police, Fire and Crime Commissioner has paused PCSO recruitment until March 2024.
- The Home Office is allocating just over £72 per head for police services in North Yorkshire, whilst Kent receives £113 and South Yorkshire Force receives £170.
- The 2023/24 budget provides £150k investment to improve community safety, tackling anti social behaviour hotspots, including through funding of extra specialist youth support workers.
- Devolved Ward funding has been used by ward councillors to support youth engagement activities, which support the work of the Safer York Partnership.
- Anti-social behaviour crime makes up 22.7% of all crimes reported in York.
- Whilst the number of ASB related incidents in York has decreased since the end of the pandemic, for certain areas, it remains a significant issue.
- Safer York Partnership provides both the strategic direction for community safety and oversees the coordinated delivery of community safety outcomes across the city of York and has representatives from key voluntary and statutory agencies including City of York Council, North Yorkshire Police, North Yorkshire Fire and Rescue, Probation, Public Health, Office of the Police and Fire Commissioner and York CVS.
- An Independent inspection of York Youth Justice Service has found it to be ‘outstanding’.

This Council believes that:

- Police Community Support Officers play a vital role in keeping our communities safe. The Government and the North Yorkshire Police, Fire and Crime Commissioner should be empowering them to do their job, not risking the slashing of their numbers, putting more pressure on stretched local council budgets to plug the gaps in community safety.

The Council consequently resolves to:

- Request that Group Leaders write to the North Yorkshire Police, Fire and Crime Commissioner calling for a reversal of the current freeze in PCSO recruitment and commitment to significantly increase the number of PCSOs in the region.
- Request that Council officers work with the North Yorkshire Police to produce a report to the Executive Member on how neighbourhood improvement plans can be developed, which review how to best holistically design out anti-social behaviour in the area.
- Invite the North Yorkshire Police, Fire and Crime Commissioner to a public meeting to answer councillor questions and set out plans to improve community policing in York.
- Request that the Safer York Partnership representatives engage and consult ward councillors in the development of the Community Safety Strategy 2023-2026.
- Call on Safer York Partnership chair to explore best ways to embed Community Safety Officers within the Community Safety Hub.”

Notice had been received of an amendment to the above motion. The Monitoring Officer explained that, due to an error, some wording had been omitted from the published version of the amendment. He read out the missing wording for clarification.

Cllr Fitzpatrick then moved and Cllr Crawshaw seconded the amendment, as follows:

**“In the first paragraph**, under ‘This Council notes that:’

- in the 1<sup>st</sup> bullet point:

- before ‘2023/24’, insert ‘*council*’
- after ‘*workers*’, insert ‘*, a one-off, one year gimmick demonstrating no long-term commitment to tackling ASB*’

- add a further bullet point to the end:

- *‘Council supports any cross-party working on positive interventions to tackle ASB such as additional youth activity and advice sessions across the city.’*

**In the second paragraph**, under ‘This Council believes that:’

- insert a new 1<sup>st</sup> bullet point:

- *‘responses to ASB need to be multi-agency, including local councillors and residents, focussed, determined and committed over the long term in order to have any lasting and real impact on the problem;’*

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and declared CARRIED, and it was

Resolved: That the above motion be approved.<sup>2</sup>

(iii) Removing Barriers to an Education and Educational Attainment

Moved by Cllr Looker and seconded by Cllr Webb.

“Council notes:

- almost 1 in 4 children live in poverty in York, a figure that rises to almost 1 in 3 nationally;
- the recent proliferation of formal and informal food banks in York and across the UK as more families become reliant on support to eat;
- the impact of the cost-of-living crisis being likely to increase those needing support in the years ahead, making free school meals (FSM) vital for an increasing proportion of York children;
- Obesity, dentistry problems, eating disorders and poor mental health in childhood all being exacerbated by lack of access to healthy food;
- the significant barriers to learning and achievement, both at school and at home, including fatigue and lack of concentration, for students that haven’t eaten properly due to poverty, and the role those barriers play in widening the educational attainment gap;
- 30% of all children living in poverty in our region are not eligible for free school meals;



- Decreasing levels of attendance and increasing levels of persistent absenteeism in both FSM and non-FSM students in York, following the height of Covid;
- recognition at the council-convened Cost of Living Summit of the impact expensive and unnecessary school-branded uniform makes to families living in poverty, including some not attending school.

Council recognises the importance of ensuring that every primary age school child in our city has access to at least one hot meal every day.

Further, it recognises particular needs of SEN pupils and believes school absence management policies that demonstrate consideration of individual circumstances are more likely to result in improved attendance than standardised, rigid responses that treat all students the same.

Council is committed to supporting institutions and their policies where they don't stigmatise children living in poverty, where they adopt a culture of understanding around uniform, punctuality and difficulty concentrating due to often difficult individual circumstances.

Council resolves:

- to request the Executive commits the council to a policy of working with external organisations to provide FSM to all primary school pupils, starting with those schools most in need;
- to write to all York secondary schools, highlighting the Child Poverty Action Group (CPAG) 'Cost of the School Day' project to ask that students eligible for FSMs are able to use their allowance at any time during the school day, and to agree to the rolling over of any unspent money to be used in the future;
- to commit to a twin track approach of working through the LGA on FSM automatic enrolment as well as expanding eligibility for FSM by increasing the income threshold, and through the NEU on ensuring FSM provision becomes universal for every primary school child;
- to write, through the Corporate Director for Children's Services, to all local authority-maintained schools and academy schools:
  - requesting information on how they are meeting Government statutory guidance on keeping school uniform affordable, and keeping branded items to a

minimum, to reassure Council that schools are not excluding students based on income and are genuinely open to all;

- inviting all schools to work with the local authority in developing a York protocol which describes 'What should be ordinarily available' for pupils with SEN ensuring there is a fair and consistent application of the SEND Code of Practice by schools to protect the rights of these pupils."

On being put to the vote, the motion was declared CARRIED unanimously, and it was

Resolved: That the above motion be approved.<sup>3</sup>

(iv) Council Backs Haxby Station Project

Cllr Pearson sought consent to alter his motion in accordance with the altered wording set out on pages 11-12 of the supplementary papers.

Cllr Douglas then sought consent to alter her amendment to that motion in accordance with the altered wording set out on pages 12-14 of the supplementary papers.

Council having granted consent to alter both motion and amendment, Cllr Pearson moved and Cllr Cullwick seconded the altered motion, as follows:

"This Council notes that:

- The reopening of a station in Haxby has been a long-held ambition for the local community, after the station closed in 1930, and since then the town has expanded over decades.
- In June 2020, the City of York Council utilised funding to submit a bid for the Department for Transport's New Stations Fund, making the case for funding to unlock the delivery of a new station in Haxby.
- To date, £1.5m of Government funding has been secured with commitments from York Outer's Conservative MP and the Prime Minister (then Chancellor) to provide the remaining funds, beyond the £4m of match funding pledged by the Council.
- A thorough evaluation from council officers and Network Rail explored options and the officers advised Executive that

Towthorpe Road site presented the only realistic case for delivering the station. Considerations included the ownership of the land, deliverability within the Department for Transport's required timescales, potential connectivity, and ease of access.

- Following the acquisition of the land by the Council, further work has been carried out on the project's business case and design, with planning application expected to be submitted in May 2023, with determination at planning committee expected in August 2023.
- A public consultation undertaken in Apr/May 2022 by the Council saw 81% of 1,200 respondents support the station proposals.
- The new station would provide direct access to the rail network for thousands of local residents from Haxby, Wigginton, Strensall and surrounding communities. This means improved access to new employment, business and leisure opportunities, increasing connectivity for our part of York, and providing faster, more efficient, and sustainable travel.
- Delays in progressing with the project in the current timeline is likely to result in failing to secure sufficient government funding to deliver the station.

This Council believes that:

- It is crucial that the opportunity to secure the development of a station in Haxby is realised for the benefit of the local community and the whole city.

The Council therefore resolves to:

- Endorse and commit to the Haxby station project, and fully back it to ensure its success.
- Request that all group leaders send a joint letter to the Department for Transport and Network Rail supporting the project and urging for the remaining Government funding to be released from the Restoring Your Railway Fund to enable to proceed with the project at pace."

Cllr Douglas then moved and Cllr Norman seconded the altered amendment, as follows:

**"In the first paragraph**, under 'This Council notes that'

- In the 4<sup>th</sup> bullet point; after '*explored*' insert 'a limited number of', after '*advised Executive that*' insert '*of the options under*

*consideration*, and after *'realistic case'* insert *'within the tight parameters presented at that time,'*.

- In the 5<sup>th</sup> bullet point, after *'Following the'* insert *'potentially premature'*.
- In the 6<sup>th</sup> bullet point, after *'respondents'*, delete *'support the station proposals'* and insert *'support the principle of a new station in the Haxby area, but respondents were not asked to preference a specific location'*.
- In the 7<sup>th</sup> bullet point; after *'local residents'*, delete all up to *'This means'* and insert *'giving'*, and delete all after *'opportunities'* and insert *'but making it more difficult to access than alternative sites for residents in nearby neighbouring communities'*.
- To the end of the 8<sup>th</sup> bullet point, add: *'depending on the Government's flexibility over timescales and commitment to reducing the carbon impact of the scheme. Such flexibility would provide an opportunity to review the siting and construction of a station, enabling it to better deliver for local residents and help contribute to the city's sustainable transport ambitions.'*

**In the second paragraph**, under *'This Council believes that'*

- Add 2 further bullet points:
  - *'Providing sustainable, low carbon alternatives to car dependency – especially in outer wards of the city – is crucial if York is reduce air pollution, improve accessibility and meet its ambitions of becoming net zero by 2030.'*
  - *'The views of local people, including those of Haxby Town Council, must be respected and considered before making decisions which will have long-term implications for transport and sustainability.'*

**In the third paragraph**, under *'The Council therefore resolves to'*

- In the 1<sup>st</sup> bullet point, after *'commit to'*, delete *'the Haxby station project'* and insert *'a railway station for Haxby.'*
- Insert a new 2<sup>nd</sup> and 3<sup>rd</sup> bullet point:
  - *'Work closely with Haxby Town Council, local residents, Network Rail and the DfT to ensure that Haxby Station is delivered at the right location, not simply the most expedient one.'*
  - *'Ensure that sustainability, accessibility and the city's carbon-neutral ambitions are at the forefront of decision-making in relation to all transport projects in the city.'*

On being put to the vote, the amendment, as altered, was declared LOST.

The original motion, as altered, was then put to the vote and declared CARRIED, and it was

Resolved: That the above motion be approved.<sup>4</sup>

Action Required

1. To note approval of the motion on Care Leavers' Transport Costs and take the appropriate actions. MK
2. To note approval of the motion on Return to Community Policing and take the appropriate actions. JG
3. To note approval of the motion on Removing Barriers to an Education and Educational Development and take the appropriate actions. MK
4. To note approval of the motion on Council Backs Haxby Station Project and take the appropriate actions. NF

**60. Questions to the Leader or Executive Members (22:18)**

Question to Cllr Craghill, Executive Member for Housing & Community Safety

**From Cllr Waudby:** Can you outline the work that has taken place to ensure that anyone operating short-term holiday lets in the city is aware of their responsibilities and makes sure to respect their local community?

**Response:** This is a concern for many residents, particularly in central wards like my own. A certain number of holiday lets is to be expected but the growing numbers are causing two main concerns - the impact of large groups on neighbourhoods and the potential effect on the availability and affordability of housing for York residents. We have limited powers to tackle these issues but are doing all we can and have produced guidance setting out the responsibilities of the letters, including management of noise and advice to check whether planning permission is needed. In cases of a material change of use we take enforcement action. The council is committed to building an evidence base on the impact of holiday lets in preparation for any government changes to the planning system, which we have lobbied for.

[The guillotine fell at 22:20]

**61. Report of Executive Member (22:21)**

The report was received. No questions were put, as the guillotine had fallen.

**62. Scrutiny - Report of the Chair of the Customer & Corporate Services Scrutiny Management Committee (22:21)**

The report was received.

**63. Pay Policy 2023-2024 (22:21)**

Council received a report which presented the Pay Policy Statement for 2023-2024.

As the guillotine had fallen, the following recommendation contained in the report was deemed moved and seconded and was voted on without debate:

“That Council approve the Pay Policy Statement for 2023 – 2024.

Reason: In order to fulfil the requirements of Section 38 – 43 of the Localism Act 2011 for the council to produce and publish an annual policy statement that covers a number of matters concerning the pay of the council’s senior staff, principally Chief Officers and relationships with the pay of the rest of the workforce.”

On being put to the vote, the recommendation was declared CARRIED and it was

Resolved: That the above recommendation be approved.<sup>1</sup>

**Lord Mayor's Closing Remarks**

On closing the meeting, the Lord Mayor thanked all Members, and in particular those who would be standing down at the election in May, for their hard work and dedication to the City.

Cllr D Carr

LORD MAYOR OF YORK

*[The meeting started at 6.30 pm and concluded at 10.24 pm]*

**City of York Council**

Resolutions and proceedings of the Meeting of the City of York Council held in The Assembly Rooms, Blake Street, York on Thursday, 25 May 2023, starting at 11.00 am

**Present:** The outgoing Lord Mayor (David Carr) in the Chair for the first part of the meeting, the incoming Lord Mayor (Cllr Chris Cullwick) in the Chair for the second part of the meeting, and the following Councillors:

Acomb Ward	Bishopthorpe Ward
Lomas Rose	Nicholls
Clifton Ward	Copmanthorpe Ward
D Myers Wells	Steward
Dringhouses & Woodthorpe Ward	Fishergate Ward
Fenton Mason Widdowson	Whitcroft Wilson
Fulford and Heslington Ward	Guildhall Ward
Ravilious	Clarke Melly Merrett
Haxby & Wigginton Ward	Heworth Ward
Cuthbertson Hollyer Pearson	B Burton Douglas Webb

Heworth Without Ward

Ayre

Holgate Ward

Kent  
Steels-Walshaw  
K Taylor

Hull Road Ward

Baxter  
Kelly  
Pavlovic

Huntington and New Earswick Ward

Orrell  
Runciman

Micklegate Ward

J Burton  
Crawshaw  
Kilbane

Osbalwick and Derwent Ward

Rowley BEM  
Warters

Rawcliffe and Clifton Without Ward

Smalley  
Wann  
Waudby

Rural West York Ward

Hook  
Knight

Strensall Ward

Fisher  
Healey

Westfield Ward

Coles  
Nelson  
Waller

Wheldrake Ward

Vassie



**64. Declarations of Interests**

Members were invited to declare at this point in the meeting any pecuniary interest, or other registrable interest, they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

**65. Appointment of Lord Mayor**

Councillor Widdowson moved, Councillor Pavlovic seconded, and Council unanimously

Resolved: That Councillor Chris Cullwick be elected Lord Mayor of the City of York for the ensuing municipal year.

**66. Qualification of Lord Mayor**

Councillor Chris Cullwick signified Acceptance of the Office of the Lord Mayor of the City of York, subscribed the Declaration of such acceptance and took the Oath of Allegiance prescribed by the law in that behalf.

**67. Appointment of Sheriff**

Councillor Fenton moved, Councillor Rowley seconded, and Council unanimously

Resolved: That Susan Hunter be elected Sheriff of the City of York for the ensuing municipal year.

**68. Qualification of Sheriff**

Susan Hunter signified Acceptance of the Office of the Lord Sheriff of the City of York, subscribed the Declaration of such acceptance and took the Oath of Allegiance prescribed by the law in that behalf.

**69. Appointment of Deputy Lord Mayor**

Councillor Cullwick as Lord Mayor moved, Councillor Ayre seconded, and Council unanimously

Resolved: That Councillor Keith Orrell be appointed Deputy Lord Mayor for the ensuing municipal year.

**70. Qualification of Deputy Lord Mayor**

Councillor Keith Orrell made and subscribed the Declaration of Acceptance of Office of Deputy Lord Mayor of the City of York and took the Affirmation of Allegiance prescribed by law.

**71. Under Sheriff**

The Sheriff advised Council that Karen Pheby had been chosen to serve as Under Sheriff during this year of office, and thanked her for undertaking this service to the City.

**72. Vote of Thanks to Outgoing Lord Mayor and Lady Mayoress**

Councillor Cullwick as Lord Mayor moved, Councillor Douglas seconded, and Council unanimously

Resolved: That Council express its sincere thanks to the outgoing Lord Mayor and Lady Mayoress for their services to the city during the past municipal year.

**73. Vote of Thanks to Outgoing Sheriff and Sheriff's Consort**

Councillor Mason moved, Councillor Orrell seconded, and Council unanimously

Resolved: That Council express its sincere thanks to the outgoing Sheriff and Sheriff's Consort for their services to the city during the past municipal year.

**74. Election of the Council Leader**

Councillor Kilbane moved, and Councillor Lomas seconded, that Cllr Douglas be appointed as Council Leader. On being put to the vote, the motion was declared CARRIED and it was

Resolved: That Council Douglas be appointed as the elected Leader of City of York Council for the 2023/24 Municipal Year.

**75. Formal Business of Council - Committee Arrangements, Allocation of Seats and Appointments to the Council Structure and Other Bodies for 2023/24, and Allocation of Motions**

Cllr Douglas moved, and Cllr Kilbane seconded, the recommendations in respect of allocations to seats, appointments, and other matters, as set out in paragraph 36 of the revised report of the Director of Governance at pages 1-9 of the Agenda Supplement, with reference to the revised annexes A and B attached to that report and to Annex C attached to the original report (page 63 of the agenda papers), subject to the word 'allocations' in recommendation (iv) being altered to 'appointments'.

On being put to the vote, the recommendations were declared CARRIED and it was

- Resolved:
- (i) That the revised scrutiny committee arrangements at paragraph 5 of the report be approved.
  - (ii) That the allocation of seats in accordance with the arrangements set out in Annex A be approved.
  - (iii) That the constitutional amendments to committee structures and out-of-group substitutes (paragraphs 22-23) be approved.
  - (iv) That the approval of future changes to group appointments be delegated to the Director of Governance and Monitoring Officer.
  - (v) That the amended arrangements for the North Yorkshire Police, Fire and Crime Panel, including the proposals relating to substitutes and one Vice Chair (paragraphs 19-21), be approved.
  - (vi) That the Executive appointments and respective portfolios to be approved by the elected Leader of the Council (Annex B1(a)) be noted.
  - (vii) That the group nominations to Committees and other bodies, as well as appointments to Chairs and Vice-Chairs, as set out in the report and its annexes,

be approved, in light of the Council's duty to give effect to group nominations.

(viii) That political balance requirements in respect of the Yorkshire Purchasing Organisation place be waived, as noted in Annex B.

(ix) That the proposed allocation of motions for consideration at Ordinary Full Council meetings for the period 2023-2027 be agreed; and

(x) That it be noted that, in the event that the Leader of the Council notifies the Monitoring Officer of any changes to the Executive Portfolios, the Monitoring Officer will update the Council's Constitution accordingly.

Reason: To fulfil the Council's statutory and constitutional requirements.

Cllr Chris Cullwick

LORD MAYOR OF YORK

*[The meeting started at 11.00 am and concluded at 12.12 pm]*

**Council****20 July 2023****Report of the Executive Leader**

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**Priorities for the new council**

This is our first formal Full Council meeting of the 2023-2027 municipal cycle and I'd like to welcome all councillors, both returning and new, officers of the council, and members of the public. We are trialling meeting in the George Hudson Board Room at West Offices in order to give the greatest opportunity for residents of York to attend this important public meeting. No venue in York is perfect but West Offices provides close by Blue Badge parking and, in a time of stretched local authority finances, cost effective rooms and facilities.

I am the first woman Leader of City of York Council since it became a Unitary Authority in 1996. This marks a new, fresh approach to doing business in York, an outward looking, listening and responsive council. The priorities for my administration are to reverse the Blue Badge ban, deliver 100% affordable housing on council owned land, put Free School Meals on the plates of primary school children, cut carbon emissions and implement the Neighbourhood Caretakers scheme. The themes that run through our commitments are improving the affordability of living in our city, considering the environmental impact of all our decision making, improving the health and wellbeing of residents in everything we do and putting consideration of equalities and human rights back on the map across our organisation. I look forward to working with you all on implementing these priorities and commitments and welcome the opportunity to work in partnership with councillors across the chamber and employers, organisations and residents throughout our city to get this programme delivered for the people of York. We are making progress with reversing the Blue Badge ban and implementing the Free School Meals pledges and hope to bring decisions to Executive very soon. Our city is a fantastic place to live, work, study and do business for so many but needs to be a great deal better for others. Working together is the only way we can achieve our aims.

**City Engagement**

I spent the past two years in leadership roles as the opposition getting out and about, meeting with people and organisations across our city

and am committed to continuing this outward looking, open and engaged way of working into leadership of the Council. It has been great to be invited to so many events and be able to speak to our city and region about my vision for York. This political leadership has been enthusiastically welcomed and seemingly long overdue. There is an awful lot to do and achieve for our city and our partners across the region are keen to get on with it.

I have been honoured to attend the Federation of Small Business, Women's Enterprise Networking Lunch, the York High Street Forum and the York and North Yorkshire Local Enterprise Partnership AGM. Building working partnerships and banging the drum for much needed investment in York through the West Yorkshire Combined Authority, taking advantage of the vast expertise and experience of fellow council leaders through the Local Government Association and welcoming a fantastic array of nationally and internationally recognised experts in their fields, politicians from all parties and residents to the Big Tent Festival held in Dean's Park in mid-June. An opportunity to explore innovative ideas, challenging shifts in society and new governance structures as devolution picks up pace across our country. York at its best.

## Devolution

Devolution continues to move forward for York and North Yorkshire with the Order due to be approved by parliament ready for creation of the Shadow Combined Authority in November and election of the Mayor in May 2024. I have been building a working and productive partnership approach with the leadership of North Yorkshire Council, our fellow constituent authority. Making sure that York's priorities are articulated and represented and will be presented to the Combined Authority and Mayor.

We must be ready for this new governance structure, make sure that decision making and oversight stays close to our residents and York is recognised as the economic powerhouse that can bring great benefit to communities across our region as we start to look beyond the initial deal and make representations to government for further devolved powers and investment in our housing, transport system and our environment.

This is a challenging time and great opportunity. I am determined to get early and ongoing influence and investment for our region through this process.

### York Central

It has been hugely valuable and productive to meet with the major land owners, Homes England and Network Rail, concerning the progress and future hopes and aims for the York Central site. Presenting my vision for a development that brings tangible benefits to our residents with improved levels of affordable housing, biodiversity gain and reduced environmental impacts alongside good quality jobs, attracting employers committed to investing in the people of York, good quality jobs, paying at a very minimum living wage foundation pay rates and offering good terms and conditions. We hope to see the master developer in place in September when these conversations will pick up pace. York is a fantastic environment for committed, good quality employers to thrive and we look forward to welcoming them to our thriving city.

### Local Plan

A vital part of our readiness for new development in our city is the progression to adoption of the Local Plan. The process started in 2018. This process has been long and protracted and won't deliver immediately on all the affordable housing, transport and community infrastructure and environmental improvements our city so desperately needs. But it is a strong move in the right direction and must be adopted as soon as possible. Without it control of appropriate and measured development is impossible. The consultation process and submission of final amendments has been concluded. We now wait for notification of the next steps from the Inspectors. York needs a Local Plan as soon as possible and we hope to complete the process through to adoption in the Autumn.

### Haxby Station

The progress towards delivery of a new train station for Haxby continues. It has been confirmed that any funding announcement from Government is expected by Autumn this year to meet its own deadline

for delivering the station. The planning application from Network Rail is expected next month. These two main responsibilities to progress the scheme sit outside the council and so we await further action in each case. I have been speaking to West and North Yorkshire colleagues with influence on regional transport and national political decision making to push the case for speeding up decision making processes and bringing this project through to delivery with a view to improve the rail connectivity between Scarborough, York, West Yorkshire, Manchester and Liverpool. Stimulating our local economy, bringing jobs to people and people to jobs. Council officers also remain in frequent contact with government and Network Rail to push for deadlines to be met to deliver the station.

### Armed Forces Week

Armed Forces Week took place from 19<sup>th</sup> to 24<sup>th</sup> June. It was a great honour as the council's Armed Forces Champion to be involved in the flag raising at the Mansion House on Monday 19<sup>th</sup>. An opportunity to stand alongside the Lord Mayor and Councillor Rowley, as the Armed Forces Advocate welcoming our city's military representatives and three WWII veterans to this important event. The week celebrated York's strong military history and gave me the opportunity to meet veterans and serving military personnel across the city at the Spurriergate Drop In and Saturday Breakfast Club and learn more about our community, their challenges and the council's actions and commitments under the Armed Forces Pledge. It's been a pleasure to see Royal British Legion colleagues around the city including at the Rotary Club Dragon Boat Race event.

### York Poverty Truth Commission

One of my first actions as Leader of the council was to join the York Poverty Truth Commission as a Civic Commissioner. This is a hugely important commission and action for me. The Poverty Truth Commission brings together people living with poverty, Community Commissioners, and people with senior decision making roles in key organisations in the city, Civic Commissioners. These include senior representatives from the police, health services, our council, DWP and others. A hugely important opportunity for us to work together to understand the barriers and



challenges that the Community Commissioners experience and make changes in our organisations that can benefit people living in poverty in York. We are currently getting to know each other, to build trust, to listen, understand and over time make meaningful and lasting change. I look forward to updating you as the commission progresses.

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Meeting	Executive
Date	15 June 2023
Present	Councillors Douglas (Chair), Kilbane (Vice-Chair), Coles, Kent, Lomas, Pavlovic, Ravilious and Webb
In Attendance	Councillor Ayre
Officers in Attendance	Ian Floyd – Chief Operating Officer Bryn Roberts – Director of Governance and Monitoring Officer Debbie Mitchell – Chief Finance Officer Neil Ferris – Corporate Director of Place Martin Kelly – Corporate Director of Children & Education Jamaila Hussain – Corporate Director of Adult Social Care & Integration Pauline Stuchfield – Director of Customer & Communities Helen Whiting – Head of HR & OD Andy Laslett – Strategic Services Manager John Roberts – Strategic Planning Policy Officer

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## **PART B - MATTERS REFERRED TO COUNCIL**

### **11. Capital Programme Outturn 2022/23 and Revisions to the 2023/24-2027/28 Programme (18:59)**

[See also under Part A]

by a net £1.107m, mainly due to receipt of additional grant funding. The overall programme continued to operate within budget, due to careful management of expenditure.

Key areas of investment and outcomes were highlighted in paragraphs 2 and 3 of the report. Variances and re-profiling requests within each portfolio area were set out in Table 1 at paragraph 10 and detailed in the body of the report. The re-stated capital programme for 2023/24 to 2027/28 was shown in Table 3 at paragraph 96 and detailed in Annex A; the projected

call on council resources was illustrated in Table 4 at paragraph 97.

The Executive Member for Finance, Performance, Major Projects & Equalities noted that the information in the report related to the previous administration and that much work would be needed to ensure a deliverable programme in the current circumstances.

Recommended: That the re-stated 2023/24 to 2027/28 programme of £533.321, as summarised in Table 3 at paragraph 96 of the Executive report and detailed in Annex A, be approved.

Reason: To enable the effective management and monitoring of the council's capital programme.

Cllr C Douglas, Chair  
[The meeting started at 5.30 pm and finished at 7.04 pm].

**Council****20 July 2023****Report of the Deputy Leader**

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It is a continuing honour and a privilege to support the Leader, Cllr Claire Douglas, as we build on our work in opposition with city and region wide stakeholders to best represent the residents of our fine city.

Our first six weeks in administration have been busy and I personally have engaged with over one hundred organisations and individuals. These range from Reverse the Ban to the Sherriff of London, from Education Unions to up and coming entrepreneurs at the Inaugural University of York Enterprise Awards, from Community Groups to York Central Partners.

We attended and spoke at the recent Big Tent festival, advocating for residents, our communities and the sustainability of our economy and the planet. We continue to forge links, build relationships and lobby for the investment and improvements that will benefit all of the residents of York.

We maintain our focus on communities who are economically and socially excluded and make no apologies for directing resources to where they are most needed. We press the case that future growth and economic development must be genuinely sustainable and inclusive and will do all in our power to ensure that no York resident is left behind. When we lift from below, everything is raised.

To that end I recently attended the New Constellations training course, funded by the Joseph Rowntree Foundation. The course is part of their Emerging Futures programme that seeks to “address the underlying drivers of poverty, as well as tackling its more immediate manifestations.” We look forward to working with JRF on this ambitious programme that aims to bring real benefits to the people of York and beyond.

We continue to listen, reflect and lead in the areas that matter to the people and organisations of the city. Working with residents, communities, businesses, unions and city partners we are keen to ensure that York becomes once again a place that every resident feels belongs to them and in which they have a stake.

The inclusion at Full Council of the Deputy Leaders Report is very much a hangover from the old Liberal Democrat Party/Green Councillors administration with its nine or ten Executive Members. York is now being governed by one political party, representing all residents from the villages and suburbs through to the city centre.

The Deputy Leaders Report was not previously a necessary part of the council agenda and often prevented us from having meaningful discussion on a wide range of important issues. It was repetitious of the former Leader's report and usually strayed inappropriately into Executive Member content. As the new Leadership Team works consistently together, to avoid repetition and free up time for Full Council debate we propose removing this report in the near future, in line with how council meetings operated until 2019.

**Council****20 July 2023****Report of the Executive Member for Finance, Performance, Major Projects and Equalities**

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My first report to Council focuses primarily on a budget amendment that will enable our administration to deliver on our key pledges. It also sets out our intention that Equality and inclusion will drive our decision making.

**Budget Amendment**

The attached budget amendment (Annex A) refocuses spending including the saving made by the reduction in the number of Executive Members and reversing the allocation of venture funding to wards. This will be diverted to fund additional outreach Youth Services, enabling more communities to benefit from support for young people, especially important in the context of the ongoing impact of the pandemic and the cost of living crisis.

Funding will also be provided to pilot the extension of universal free school meals to Key Stage 2 to inform the future scale up across all primary schools. The key pledge to mobilise the city to give free school meals to all primary school children will deliver benefits to families across the city and will ultimately result in lower spending for the Council, through public health benefits and lower costs throughout the lifetime of our citizens. Children cannot learn when they are hungry, this worsens the attainment gap, a persistent challenge in York, and leads to long term impacts to children, their families and communities. Families struggling to cope will save around £500 per year if free school meals are provided, a real and direct support to cope with the cost of living crisis. We will also reverse a previous cut of £24k restoring a specialist catering adviser to support this pilot.

We have allocated funding for consultation and communication relating to work needed to reverse the 'Blue Badge Ban' and improve access to the city centre for all. The consultation will be a genuine engagement with the people most affected by access restrictions to refine our plans for restoring access to the city centre and longer term improvements to access across the city. We will also invest in better communication with those most affected by access restrictions, as we enact the plans. We are committed to reducing unnecessary vehicle journeys through the city

centre but that must not be at the expense of those who need to use a vehicle to access the city. The Human Rights of disabled people are being curtailed by lack of access to their city centre and this cannot be allowed to continue. York is known for being welcoming, a Human Rights City with a reach across the world and we must restore access as soon as practical while working to repair the damage done.

We will fund a new post to support the Council in accessing external funding opportunities, enabling greater opportunities for inward investment, delivering more for the city despite cuts to central funding. We have allocated a small budget for pilot planning delivery for our 'Neighbourhood Caretaker' pledge and a further small sum to establish a York Climate Emergency Fund, giving a platform to engage people across the city as stakeholders and investors in climate change projects, and to seed fund community projects that emerge from a climate emergency 'hackathon'. Addressing the climate emergency is not something that can be done by the Council alone and we need to engage everyone in co-creating solutions for our city.

Highways are an area of ongoing concern for all residents, and central funding is not sufficient to halt the decline. Short term pothole patching is just that, a short term solution that is expected not to last. By suspending the allocation to the Ward Committee Highways fund for the current financial year we create capacity for longer term highways repairs, increasing the lifespan of the highways and driving efficiency. This will be reviewed in future budget planning.

It is no secret that York Council like many of our residents and every other Council is facing a financial crisis. Whilst it would be lovely to be able to afford to fund lots of ward schemes we need to face the reality of the financial situation. We just cannot afford it. It is much more important that we get basics right. Therefore the budget amendment sees the suspension of the ward highways funding programme and invests the funding in our roads, by increasing the efficiency and prolonging the life of roads by increasing the number of structural repairs to our road surfaces.

In housing the increase in depreciation charge enables us to respond to the urgent issue of damp, which has significant health impacts when it leads to mould. Accelerating repairs and the retrofit programme will make homes easier and cheaper to heat, an important response to the cost of living crisis for some of the most vulnerable in our communities



while reducing carbon emissions. Funding for bringing council houses back into occupation more quickly will enable quicker turnaround, speeding up the process of re-letting to those who are waiting for a property and maximising income to the council. Housing Estate Improvement Programme (HEIP) funding will be refocussed to ensure that it offers genuine benefits to the most vulnerable in our communities, this will be reviewed in future budget planning processes. These changes to funding bring public health benefits through our housing provision.

Funding allocated to ward committees has been reviewed and will be allocated on a need basis. Each ward will receive a basic amount of funding, to ensure that ward committees can respond to the needs in their communities and additional funding will be allocated to those wards with greatest need, to ensure that we target spending to where it can do most good during a cost of living crisis.

### **Budget setting for 2024/25**

Work will now start to prepare the budget for the next financial year. In the face of ongoing funding challenges we will make the process more open and transparent, participatory budget development before the budget comes to Full Council for approval. I look forward to engaging about the funding challenges and spending priorities through this process.

### **Anti-Racism Strategy**

IERUK have published the report funded by CYC as a result of the motion passed unanimously by Council. It makes for uncomfortable but essential reading. We should not be afraid to face up to the problem of racism, we must uncover it and expose it to make change. That change only comes when people, and institutions, accept that it exists and needs to be eliminated. The report and strategy have been developed independently, and are driven by data as well as the lived experience of contributors. I am grateful to all who have been involved, for exposing the scale and depth of the problem so that we can begin the work to address it. The strategy will be discussed at Executive and I look forward to the hard work ahead to implement it across the city in the Council and through our work with partners.

## Major projects

We are committed to the delivery of major projects for the city. As an administration we inherit some projects that are not necessarily as we would have developed them and where appropriate we are reviewing aspects to ensure we get the best for the people of York in challenging times. We do however need to be pragmatic ensuring the actual delivery of much needed investment into our city.

By working with the rail industry officers have secured £1.5 million for Haxby Station to develop plans and a business case for the station. That business case was submitted to Government four months ago. We call on Government to announce the funding for this project.

The enabling works to move gas, telecoms and power supplies off Queen Street Bridge are nearly complete. This will allow a contractor to demolish the bridge and create the space to create a fitting entrance to the city as part of the Station Frontage project. While there have been some concerns raised about access aspects of the design we are hopeful that suitable resolutions can be achieved, to ensure that all citizens and travellers can enjoy the improvements to our transport system.

Work to develop the dualling project for York Outer Ring Road scheme continues. Whilst the dualling is key to the delivery of aspects of the Local Plan, just as important is the development of a Local Transport Plan and projects that will capture the space created by moving the through traffic from city to the ring road. We are awaiting further detail on this aspect to ensure we not only deliver the local plan but do so in a way that achieves the Council strategic ambition for our climate, health and wellbeing and economy.

We look forward to working with our strategic partners on York Central. There remain opportunities to improve the scheme both in terms of what it delivers for the city but also in terms of how the proposals work for our current residents, because we are not happy with the plans as they stand regarding access through the museum for residents.

Revenue	
<b>Additional investment</b>	
Narrative	£'000
Investment in Youth Services across the city to deliver outreach opportunities to bring targeted support in to communities.	40
Funding to support a pilot of the extension of universal free school meals in to Key Stage 2. Evaluation of the pilot will inform future scale up across all primary schools.	100
investment to undertake a consultation on altering current access restrictions for Blue Badge holders in the city centre and communications relating to changes to access arrangements.	30
Consultation and pilot planning to explore new 'Neighbourhood Caretaker' roles that respond to local community priorities	5
Reverse saving (CHS01) to fund a specialist catering adviser to give capacity for operational deliver of the free school meals pilot.	24
Investment in a new post focused on grants and investment, making the most of external funding opportunities, supporting the Council to identify and draw down resources to deliver priority outcomes - supporting bid / grant capacity across the Council.	56
£10k of seed funding to establish a York Climate Emergency Fund as a means of raising cost effective capital and a platform for engaging the public as stakeholders and investors in climate change projects for the city.	10
<b>Total</b>	<b>265</b>
<b>Funded by</b>	
A reduction of two Executive Members	-40
reversal of one off growth 'to allow wards to invest directly in improvements to local communities'	-250
<b>Total</b>	<b>-290</b>

**Saving** **-25**

Capital	
Narrative	£'000
Increase efficiency and prolong the life of roads by increasing the number of structural repairs to our road surfaces	250
<b>Funded by</b>	
Suspend Ward Committee Highways fund	-250

Housing Revenue Account Capital	
Narrative	£'000
Review the Housing Estate Improvement Plan (HEIP) budget of £170k pa to focus upon genuine improvements that deliver health and wellbeing benefits to our most vulnerable residents.	170
Allocate a further £700k to make council houses healthier to live in, reduce fuel poverty and reduce carbon emissions by accelerating damp and mould works and the retrofit programme as well as undertaking detailed condition surveys to inform and focus future stock improvement planning.	700
Allocate a further £600k to be held for further remedial works indicated by the condition surveys and improvements not completed in the current financial year	600
Allocate £500k into works to bring council houses back into occupation quickly after a tenancy has ended.	500

	1970
<b>Funded by</b>	
Increased Major Repairs funding available in Major Repairs Reserve due to increased depreciation charge into Housing Revenue Account	-1,800
Existing HEIP funding	-170
	-1,970

## Ward Budgets - Proposed Changes

1. Community Officers are currently creating Neighbourhood Action Plans (NAPs) for each ward. This will give members a clear steer for their new ward priorities, help with deciding where to spend funding, and will identify gaps in provision where Community Officers could commission services.
2. It is proposed that ward funding is composed of the following elements from 1<sup>ST</sup> August 2023:
  - a. allocate a minimum Ward Budget for Members to spend on priorities in their NAP that correspond with those of the administration (health/wellbeing/affordability). This would need to be an amount that is significant enough to make a meaningful difference in the those wards deemed 'less needy' as loneliness and isolation for example are still prevalent in more affluent wards;
  - b. introduce a second element based on need. This will be achieved by using a basket of indicators to rank wards based on need including, for example, IMD deprivation data, loneliness and isolation, and health data;
  - c. create a single pot of funding for multiple and/or 'city wide' applications. Currently, if an organisation wants to apply city wide, they must complete 21 applications which is challenging for any community or voluntary sector organisation.
3. Officers will work on the mechanism to achieve the above with the council's Finance & Business Intelligence teams ahead of 1<sup>st</sup> August 2023. Final details of the scheme will be delegated to the Chief Finance Officer for approval

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**Full Council****20 July 2023**

Report of the Director of Transport, Environment and Planning  
Portfolio of the Executive Member for Economy and Transport

**Public Footpath Copmanthorpe No 2 - Proposed closure of Level Crossing and footpath diversion – City of York Council objection to Network Rail’s application under the provisions of the Transport and Works Act 1992**

**Summary**

1. This report considers the application made by Network Rail to the Secretary of State for Transport for an Order under the Transport and Works Act 1992 (TWA) to authorise the closure of an existing pedestrian level crossing and the diversion of the existing public footpath between Copmanthorpe and Bishopthorpe.
2. The path is part of the Ebor Way and currently runs over a level crossing, known as Beckett’s Crossing), which Network Rail proposes to replace with a new stepped footbridge at Yorkfield Lane, Copmanthorpe.
3. Full Council is asked to endorse the objection to the proposed Order which was submitted by the Council to the Secretary of State following the decision made by the Chief Operating Officer using their urgency powers to oppose the order on 15 May 2023, in accordance with the procedures set out in Section 239 of the Local Government Act 1972

**Recommendations**

- 1) Full Council is asked to endorse the objection to the proposed Order which was submitted by the Council to the Secretary of State following the decision made by the Chief Operating Officer using their urgency powers to oppose the order on 15 May 2023, in accordance with the procedures set out in Section 239 of the Local Government Act 1972.

Reason: To confirm the objection submitted by the Chief Operating Officer using their urgency powers, as the proposed footbridge would

not allow disabled pedestrians to use the crossing. The footbridge proposal being unlit and enclosed was also considered to be unsafe particularly at night.

- 2) Subject to legal advice, full Council to authorise the representation of the Council at any public inquiry in respect of the proposed Order.

Reason: To enable the Council to be represented at any public inquiry in respect of the proposed Order

## Background

4. Network Rail has applied to the Secretary of State for Transport for an Order under the Transport and Works Act 1992 (TWA) to authorise the closure of an existing pedestrian level crossing and the diversion of the existing public footpath (part of the Ebor Way) currently running over the level crossing by means of a new stepped footbridge at Yorkfield Lane. These proposals are part of Network Rail's Transpennine Route Upgrade (TRU) Programme. A plan summarising the proposed changes is included overleaf and the TWA application documents are available here: [www.networkrail.co.uk/running-the-railway/railway-upgrade-plan/key-projects/transpennine-route-upgrade/copmanthorpe-level-crossing/#twao](http://www.networkrail.co.uk/running-the-railway/railway-upgrade-plan/key-projects/transpennine-route-upgrade/copmanthorpe-level-crossing/#twao)
5. The application to divert the footpath via a stepped footbridge was initially submitted to City of York Council under Section 119 of the Highways Act 1980. The Executive Member for Transport rejected Network Rail's application on 17 May 2022 (decision published here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6534>).
6. An update was brought to the Executive Member for Transport on 14 March 2023 in preparation for the submission of a TWA application by Network Rail (documents available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6816>).
7. As the TWA application was submitted during the pre-election period and objections needed to be submitted by 17 May 2023, a decision was made by the Chief Operating Officer using their urgency powers to make a representation to the Secretary of State to oppose the Order. This was needed because full Council did not meet before the strict deadline to submit an objection due to the local elections (documents available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6857>).
8. This objection now needs to be endorsed by full Council in accordance with the procedures set out in Section 239 of the Local Government Act 1972.





*Plan provided by Network Rail*

## Consultation

9. Network Rail undertook a consultation process to develop their proposals. This is presented in the TWA application documents (see NR06 Consultation report available here: [www.networkrail.co.uk/running-the-railway/railway-upgrade-plan/key-projects/transpennine-route-upgrade/copmanthorpe-level-crossing/#twao](http://www.networkrail.co.uk/running-the-railway/railway-upgrade-plan/key-projects/transpennine-route-upgrade/copmanthorpe-level-crossing/#twao))
10. CYC internal consultation for this decision:
  - a. Executive Member for Economy and Transport
  - b. Officers in the highway and transport team, including Public Rights of Way officers and Access officer
11. The Council will gather additional evidence on the use of the path to support the preparation of evidence for the inquiry. This will take the form

of a questionnaire (online mainly), which will need to be disseminated and promoted to encourage a good response rate from residents and users of the path.

## Options

12. The options available for Members to consider are:
  - a. Endorse the objection to the proposed Order which was submitted by the Council to the Secretary of State following the decision made by the Chief Operating Officer using their urgency powers to oppose the order on 15 May 2023, in accordance with the procedures set out in Section 239 of the Local Government Act 1972;
  - b. Remove the Council's objection to the proposed Order and formulate and submit a representation in support of the TWA Order;
  - c. Remove the Council's objection to the proposed Order and submit a representation that neither supports nor objects to the TWA Order i.e. effectively adopt a neutral position with no positive case in relation to the principle of the TWA Order.

## Analysis

13. When considered from the junction of Farmer's Way and Ploughman's Close, the proposed diversion route will increase the length of the public right of way (footpath) route between Copmanthorpe and Bishopthorpe (where the footpath meets Copmanthorpe Lane) by approximately 200m, from approx. 1.6km to 1.8km.
14. The proposed diversion route will provide a stepped bridge (44 steps on either side, 88 steps in total) at Yorkfield Lane to take users over the railway line once the existing level crossing is closed.
15. For users who are not able to use the proposed stepped bridge, alternative routes available between Copmanthorpe and Bishopthorpe would be much longer as they would need to use:
  - a. The road network and cycle route to the north for approx. 3.9 km, using Tadcaster Road and the Sustrans cycle route (National Cycle Route 65); or
  - b. The road network to the south for approx. 4.8km, using Station Road, Temple Lane (footway provision stops after number 61

Temple Lane when travelling from Copmanthorpe to Bishopthorpe) and Appleton Road (no footways available).

16. As the TWA application was submitted during the pre-election period and objections needed to be submitted by 17 May 2023, a decision was made by the Chief Operating Officer using their urgency powers to oppose the order. City of York Council submitted an objection to Network Rail's application on the following grounds:
  - a. The proposal removes accessibility for those with protected characteristics and builds in discrimination by prohibiting access for those with protected characteristics. The proposed stepped footbridge will preclude some users with protected characteristics under the Equality Act 2010 (age, disability, pregnancy and maternity) from using the crossing over the railway line and Footpath 2 once it is diverted and the proposals raise concerns for the personal safety of future users as the bridge will be "unlit and enclosed". Network Rail's initial application to divert the footpath (submitted under Section 119A of the Highways Act 1980) was refused on these grounds by the Executive Member for Transport's at the 17 May 2022 decision session.
  - b. In the application submitted to the Secretary of State under the provisions of the Transport and Works Act 1992, Network Rail has not demonstrated how the organisation's duties under the Equality Act 2010, and specifically under the Public Sector Equality Duty, have been considered with regard to the proposed diversion route and stepped bridge.
  - c. The proposals have not adequately considered the needs of the future residents of the proposed housing development on the field lying to the south of and adjacent to No. 1 Tadcaster Road, Copmanthorpe. Outline planning permission (18/00680/OUTM) has been granted for this site for the erection of 158 dwellings. The site is likely to include a significant proportion of larger family houses and the footpath off Yorkfield Lane will provide direct access to the public right of way between the site and Bishopthorpe, although this will be limited to residents who can use steps, excluding some families with young children and people living with a disability or mobility issues, if the current proposals are implemented.

## **Council Plan**

17. The proposals relate to the following Council outcomes, as set out in the Council Plan 2019-2023 (Making History, Building Communities):
  - a. Good Health and wellbeing – Following the 2021 Review the council is to ensure that ‘Open spaces will be available to all for sports and physical activity, including healthy walking, outdoor gyms and green spaces, which improve both physical and mental health and wellbeing’ so that in 4 years’ time, ‘We will increase the emphasis on the wider determinants of health, by understanding that how the city runs, how people live their lives and interact with one another and the way the Council creates, protects and enhances the environment which has positive impacts on the health and wellbeing of York’s population’ and ‘Health and wellbeing will continue to be a key driver in everything we do as a city - from the design of housing and infrastructure through to ensuring that transport options meet the needs of the most vulnerable’.
  - b. Getting around sustainably – Following the 2021 Review the Council is to ‘Review city-wide public transport options, identifying opportunities for improvements in walking and cycling, rail, buses and rapid transit, which lay the groundwork for the new Local Transport Plan’ so that in 4 years’ time ‘More people will travel by sustainable means, such as walking, cycling and clean public transport throughout the year’.

## **Implications**

18. The decision to object to the TWA application will result in the following:
  - a. The Council will need to attend and present its case at a Public Inquiry
  - b. The Council will need to meet the costs related to the Public Inquiry (Counsel, expert witness, staff time to prepare reports and attend the inquiry)
  - c. The Council could be liable for additional costs if Network Rail were to successfully defend an application for costs
  - d. Reputational impact for the Council if the Secretary of State decides to grant the TWA application despite the Council’s objection

- e. The Council can decide to withdraw its objection at a later stage if a different approach were approved or an agreement were to be reached with Network Rail

- **Financial**

Those who take part in an inquiry are normally expected to meet their own costs. However, there may be limited exceptions.

Network Rail will be required to meet the cost of the inquiry venue and costs associated with it. The Council would be required to meet its own costs, including legal and officer costs. These would need to be funded from the Rights of Way/Transport budget.

If there are relatively few objections, and no statutory objector wishes to use their right to be heard, rather than hold a public inquiry, the Secretary of State may deal with the application on the basis of written submissions alone. This usually provides a quicker route to a decision and is less costly and time-consuming for everyone involved. The Secretary of State has however stated their intention to hold a public inquiry into this TWA application.

Going forward any footbridge installed over the railway line would be maintained by Network Rail. The Council as highway authority would maintain any new footpath diversion links as a result of the diversion and the surface of the new bridge.

- **Human Resources (HR)** – no implications identified

- **One Planet Council / Equalities**

Equality implications were identified in the Council's Equality Impact Assessment (EQiA) prepared for the decision on Network Rail Section 119 application (available here, see Annex 4:

<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6534>)

The key equality issues identified in the EQiA are:

- A proposed stepped footbridge may impact older people who have mobility impairments (but who are currently able to negotiate the existing level crossing), due to the large number of steps to be negotiated on either side of the proposed footbridge. Copmanthorpe has a higher than national average of people aged over 65 years.

- The proposed stepped footbridge may impact disabled people who have a mobility or cognitive impairment (but who are currently able to negotiate the existing level crossing), due to the large number of steps to be negotiated on either side of the footbridge.
- A stepped bridge would not be accessible to people whose disability means they have to use a wheelchair. Improvements could more easily be made to the existing level crossing to allow easier access for wheelchairs.
- Users who are pregnant may find the additional distance of the footpath and the stepped bridge difficult to negotiate due to reduced mobility. A stepped bridge would cause difficulty to maternal/paternal groups with pushchairs who may find the steps in accessible or challenging to use
- The proposed stepped footbridge, which is also proposed to be unlit, is an enclosed structure and may make lone users, especially women or other protected characteristic groups feel vulnerable, due to the fact that there is no easy escape route. The current level crossing is overlooked by housing and benefits from latent lighting from streetlights and neighbouring properties. The crossing is also more open with direct sightlines.

- **Legal**

A TWA Order is a statutory instrument made under the Transport and Works Act 1992. TWA Orders are required to authorise the construction or operation of railways, tramways, trolley vehicle systems and other guided transport; the construction or operation of canals; the carrying out of certain works that interfere with rights of navigation in waters in and around England and Wales. The main features of a project that requires authorisation under a TWA Order are that they may involve the construction and/or use of works which affect public rights such a public right of way and/ or the provision of powers of compulsory acquisition of land and/or the extinguishment of private rights.

Applications for TWA Orders, other than those relating to Wales, are normally made to, and determined by, the Secretary of State for Transport. There are statutory rules of procedure for making applications and for objecting to them. Currently, these are the

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“the Applications Rules”). In addition, there are separate statutory rules of procedure relating to the holding of public local inquiries into TWA applications.

Rule 21 of the Application Rules provides that objections and other representations must be made in writing to, and received, by the Secretary of State no later than the expiry date for objections, being no less than 42 days from the date of the application.

Formal representations (for or against) the proposed Order were invited to be made to the Secretary of State by 17 May 2023. On 15 May 2023 the Council submitted a representation in objection to the proposed Order pursuant to a decision made by the Chief Operating Officer on 15 May 2023.

Section 239 Local Government Act 1972 provides that a resolution of a local authority to promote or oppose a Bill must be passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority. That section, although originally concerned only with local authorities promoting or opposing a Bill in Parliament, has been applied by section 20 of the Transport and Works Act to local authorities objecting to a TWA Order.

However, where an authority is unable to comply with this requirement within the prescribed representation period, its objection is treated by the Secretary of State as a holding objection subject to endorsement by a meeting of the full Council.

- **Crime and Disorder** – no implications identified
- **Information Technology (IT)** – no implications identified
- **Property** – no implications identified
- **Other** – no implications identified



## Risk Management

19. Key risks identified are:

- a. The Secretary of State may find in favour of Network Rail following the public inquiry, rejecting the Council's position and enabling a stepped footbridge to be built.
- b. There is a limited risk that Network Rail could apply for costs, with the Council having to meet some of Network Rail's costs.
- c. The objection is likely to delay the completion of Network Rail's project, resulting in associated risks of cost increases, reduced funding and safety risk for users of the line and existing level crossing.

## Contact Details

### Author:

Helene Vergereau

Head of Highway Access and  
Development

Place Directorate

[helene.vergereau@york.gov.uk](mailto:helene.vergereau@york.gov.uk)

### Chief Officer Responsible for the report:

James Gilchrist

Director of Transport, Environment and  
Planning

Report  
Approved



Date 11/07/2023

## Specialist Implications Officer(s) List information for all

Financial:-

Name: Patrick Looker

Title: Finance Manager

[Patrick.Looker@york.gov.uk](mailto:Patrick.Looker@york.gov.uk)

Legal:-

Sandra Branigan

Senior Solicitor

[sandra.branigan@york.gov.uk](mailto:sandra.branigan@york.gov.uk)



**Wards Affected:** Copmanthorpe and Bishopthorpe

All

**For further information please contact the author of the report**

**Background Papers:**

- Network Rail TWA application documents available here:  
<https://www.networkrail.co.uk/running-the-railway/railway-upgrade-plan/key-projects/transpennine-route-upgrade/copmanthorpe-level-crossing/#twao>
- 15 May 2023 officer decision:  
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6857>
- 14 March 2023 Executive Member for Transport update  
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6816>
- 17 May 2022 Executive Member for Transport decision on Network Rail's application under S119 Highways Act 1980:  
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6534>
- CYC's equality impact assessment of Network Rail's proposal is available here (see Annex 4):  
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6534>

**Annexes**

No annexes provided

**List of Abbreviations Used in this Report**

EQiA - Equality Impact Assessment

TRU - Transpennine Route Upgrade

TWA – Transport and Works Act

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## Full Council

20 July 2023

Report of the Director of Governance  
(Portfolio of the Executive Leader)

### **Update on Governance Arrangements for the Yorkshire Purchasing Organisation (YPO)**

#### **Summary**

1. This report seeks approval to sign a revised Management Agreement which sets out the governance arrangements for the YPO Joint Management Committee following a review.

#### **Recommendations**

2. Council is recommended to:
  - a. note and consider the changes recommended by the YPO Management Committee;
  - b. delegate authority to Director of Governance to sign an updated Management Agreement on behalf of the Council noting that all Member Authorities must also agree before the revisions take effect; and
  - c. confirm the appointment of Cllr Merrett as the Member of the Joint Committee and Cllr Wilson as their substitute.

Reason: To ensure that the governance of YPO Management Committee remains up to date and fit for purpose.

#### **Background**

3. YPO has operated as a Joint Committee since its inception in 1974 and under the governance structure in the current Management Agreement since 2010. The Management Agreement, and any changes to it, requires the agreement of

each member authority through a formal resolution in their own council, along with a resolution to delegate contracting authority to the functional role of Managing Director of YPO.

4. In 2021 YPO Management Committee Members agreed a review of the governance structure and operating practices of the YPO Joint Committee to ensure that they are fit for purpose to deliver the recently approved 3-5 Year Strategy and to optimise benefits for member authorities in the future.
5. YPO operates as a Joint Committee of 13 Founder Member Local Authorities. The same 13 Authorities are also shareholders in an associated company – YPO Procurement Holdings Ltd - which operates a group company structure through which the local authorities can trade where necessary and appropriate to do so. The company structure is governed under a shareholder agreement and an appointed set of local authority councillor directors. The current governance proposals in this report relate only to the joint committee structure. A separate review of company governance is now taking place and if any changes are recommended within the company governance structures that will be the subject of a separate report.
6. A Working Group of a Founder Member strategic officers was formed to review current joint committee governance structures and documents and, in conjunction with officers from YPO and Wakefield Council as the Lead Authority, to submit proposed changes for consideration by members. This group met a number of times and proposed a number of changes to operating practices and to governance structures and the associated documents in which they are specified.
7. An external law firm was also commissioned to review the legal operating model. That concluded that there was no compelling rationale to move from the Joint Committee arrangements.
8. The resulting proposals were submitted to the March 2022 Management Committee for consideration and discussion prior to requesting formal approval. Members were also requested to consult within their own authorities to ensure that any final request for approval captured both the discussion in the March Management Committee and the wider views of the Founder Members.

9. In July 2022 Management Committee formally approved the proposals and resolved to recommend them for approval at each authority.
10. Full detail on the changes can be found in the YPO report and minutes at Appendix A but in summary they are:
  - a) A reduction of elected members from two per founder member to one, with substitutes permitted. This will produce a more focused core of members with greater familiarity with the strategic challenges facing the organisation;
  - b) A reduction in the number of Management Committee and Sub-Committee meetings from three per year to a minimum of two per year. This will enable members to focus on the key strategic issues facing YPO and to take decisions at key points in the annual business cycle (the recommendation to specify a “minimum” number, allowing scope to call additional meetings if required for business reasons, resulted from discussion in the March Management Committee);
  - c) The removal of the Executive Sub-Committee. This body largely duplicates the function of the Management Committee and has no separate delegated powers for specific decisions;
  - d) The renaming of the Audit & Scrutiny Sub-Committee to Audit & Governance with a remit to consider all items of risk and governance on behalf of member authorities.;
  - e) A revision to the Terms of Reference of the Audit & Governance Sub-Committee, emphasising the role of this body in scrutinising risk and governance issues, holding the Executive Officers to account and reporting back to the full Management Committee;
  - f) Revisions to the Scheme of Delegation, emphasising the requirement to consider political and reputational implications for members before the powers contained are exercised and reinforcing the role of the Executive Director, Finance in reporting directly to the S151 Officer in the Lead Authority in the case of any suspected breach;

- g) Revisions to the Financial Procedure Rules to reflect the commercial nature of YPO's activities as distinct from Local Government requirements; and
  - h) The continuation of the role of Independent Director to give elected members a level of independent assurance on the operational decision-making carried out by the Executive Board and to provide commercial advice to elected members as and when required.
11. Items 10 a) to 10 d) require amendments to the Management Agreement which requires approval by all 13 Founder Members.

### **Options**

- 12. To agree to the revised Management Agreement and give effect to the recommendations of the Joint Committee. This option is preferred as it ensures the arrangements are fit for purpose
- 13. Not to agree to the revisions. This is not recommended as it fails to give effect to the views of the Committee informed by a detailed governance review.

### **Analysis**

- 14. The review invites a strengthening of governance arrangements for YPO. Although there are fewer Meetings and sub-committees and a reduction in the number of appointees the meetings will be more targeted and more focussed to ensure that members are given the right information to understand the business and to check and challenge. Although there is a reduction in the number of councillors it remains the case that there is one vote per Founder member and substitutes are allowed if the principal nominee is unable to attend.

### **Council Plan and Policy Framework**

- 15. Through participation in YPO the Council combines its purchasing power with other local authorities to maximise economies of scale and ensure value for money. These savings in turn assist with delivery of all services across the Council's priorities.

### **Implications**

- 16. There are no direct resource or equality implications.
- 17. YPO is a Joint Committee constituted under s101 and 102 Local Government Act 1972.
- 18. It exercises functions on behalf of the Member authorities relating to procurement which are executive functions. However, changes to appointments to outside bodies are the responsibility of Council.
- 19. The proposed changes include a reduction in nominated members from 2 to 1. Section 15 Local Government & Housing Act 1989 sets out the duty of relevant authorities /committees who make appointments in relation to political balance. The bodies to which S15 applies are defined in Schedule 1 to include ordinary and advisory committees and sub-committees, and by virtue of para 2 (h) a joint committee appointed under S102(1)(b) LGA 1972. However, in relation to joint committees (and other bodies set out in para 2) S15 duty only applies where “at least 3 seats ... fall from time to time to be filled by appointments made by the authority or the committee.” As each Authority is appointing 1 seat the duty doesn't apply

**Risk Management**

- 20. If the Council does not agree the changes these cannot be brought into effect and the YPO governance arrangements may cease to be fit for purpose reducing the overall efficacy of the organisation.

**Contact Details**

**Author: Frances Harrison**

**Job Title: Head of Legal Services**

**Dept Name: Governance**

Tel No.:

**Chief Officer Responsible for the report: Bryn Roberts**

**Job Title: Director of Governance**

**Report Approved**

**Date** 12/7/23

**Specialist Implications Officer(s)** None

**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

Annex 1 - YPO Governance Review – Report of Managing Director

**Abbreviations used in this report**

None





**YPO**  
**MANAGEMENT COMMITTEE**  
**TO BE HELD ON**  
**22ND JULY 2022**

**TITLE: YPO GOVERNANCE REVIEW**

**REPORT OF: MANAGING DIRECTOR**

---

**1. PURPOSE OF REPORT**

- 1.1 To request members' agreement to recommend proposed changes to the YPO governance structure for approval by the Founder member authorities and associated changes to the YPO Management Agreement.

**2. BACKGROUND**

- 2.1 YPO has operated as a Joint Committee since its inception in 1974 and under the governance structure in the current Management Agreement since 2010. The Management Agreement, and any changes to it, requires the agreement of each member authority through a formal resolution in their own council, along with a resolution to delegate contracting authority to the functional role of Managing Director of YPO.
- 2.2 The increasingly commercial nature of the daily operation of YPO and the experience of the planned acquisition of a major competitor, has caused officers within YPO and the Lead Authority to consider a review of the governance structure and operating practices of YPO to ensure that they are fit for purpose to deliver the recently approved 3-5 Year Strategy and to optimise benefits for member authorities in the future.
- 2.3 Members agreed at the Management Committee on 29th November 2021 to appoint a working group of Founder Member strategic officers to review current governance structures and documents and, in conjunction with officers from YPO and the Lead Authority, to submit proposed changes for consideration by members. This group met a number of times and proposed a number of changes to operating practices and to governance structures and the associated documents in which they are specified.
- 2.4 The resulting proposals were submitted to the March 2022 Management Committee for consideration and discussion prior to requesting formal approval. Members were also requested to consult within their own authorities to ensure that any final request for approval captured both the discussion in the March Management Committee and the wider views of the Founder Members. The discussion in March suggested just one minor change and no subsequent requests or suggestions were received from the Founder Members. The proposals in the following section are, therefore largely as

considered and discussed by members in the March Management Committee.

### 3. PROPOSALS

- 3.1 The purpose of the proposals is to achieve a more focussed, commercial governance structure, fit for purpose to deliver the ambitious growth plans contained in the 3-5 Year Strategy. It should be stressed that the intention is not to diminish levels of governance, oversight or control, but, in many cases, to strengthen governance by making the control mechanisms more explicit and transparent.
- 3.2 Alongside the proposed changes to the formal structure are plans to increase regular engagement with founder member authorities, including a Finance Directors Forum, Heads of Procurement Forum and regular meetings with member Chief Executives.
- 3.3 The officer working group considered possible changes in 3 distinct tiers as follows:
  - i. Operating procedures which are custom and practice and within the gift of members and officers to change at will;
  - ii. Operating procedures which are specified within the current management Agreement and would require amendments to the agreement through a two-thirds majority vote by Founder Members;
  - iii. Fundamental changes to the constitution of YPO, potentially moving away from a Joint Committee to a more commercial legal entity.
- 3.4 The proposals for consideration in this paper focus on the first two tiers of these options. Addleshaw Goddard were commissioned to carry out a high level review of potential alternative legal structures. Their initial draft report was submitted to the March Management Committee. The final report was considered by the Officer Working Group which concluded that there is not currently a compelling case for change. However, it was acknowledged that this situation should be kept under review, particularly in light of forthcoming changes to UK Procurement Regulations in 2023 and the experience gained under the proposals contained in this paper, which may require further adjustment in the future. It is therefore suggested that the constitutional arrangements are reviewed again at some point after the 2023 Annual General Meeting.
- 3.5 The detail of the proposed changes is contained in the attached portfolio of governance documents which comprise the controls for each of the key functions of YPO. However, for ease of discussion, the key changes for members to consider are as follows:
  - i. A reduction of elected members from two per founder member to one, with substitutes permitted. This will produce a more focused core of members with greater familiarity with the strategic challenges facing the organisation;
  - ii. A reduction in the number of Management Committee and Sub-Committee meetings from three per year to a minimum of two per year. This will enable members to focus on the key strategic issues facing YPO and to take decisions at key points in the annual business cycle (the recommendation to specify a “minimum” number, allowing scope to call additional meetings if required for business reasons, resulted from discussion in the March Management Committee);
  - iii. The removal of the Executive Sub-Committee. This body largely duplicates the function of the Management Committee and has no separate delegated powers for specific decisions;
  - iv. The renaming of the Audit & Scrutiny Sub-Committee to Audit & Governance with a remit to consider all items of risk and governance on behalf of member authorities.
  - v. A revision to the Terms of Reference of the Audit & Governance Sub-Committee,

emphasising the role of this body in scrutinising risk and governance issues, holding the Executive Officers to account and reporting back to the full Management Committee;

- vi. Revisions to the Scheme of Delegation, emphasising the requirement to consider political and reputational implications for members before the powers contained are exercised and reinforcing the role of the Executive Director, Finance in reporting directly to the S151 Officer in the Lead Authority in the case of any suspected breach;
- vii. Revisions to the Financial Procedure Rules to reflect the commercial nature of YPO's activities as distinct from Local Government requirements
- viii. The continuation of the role of Independent Director to give elected members a level of independent assurance on the operational decision-making carried out by the Executive Board and to provide commercial advice to elected members as and when required.

3.6 It should also be noted that, in addition to the formal structures described, it is important in a commercial environment to retain the ability to take rapid decisions in a controlled manner. The continued use on an adhoc basis of consultation jointly with the Chair, Vice-Chair, Chair of Audit & Governance, Independent Director, S151 and Monitoring Officer should remain a key element of decision-making by the Executive Board.

3.7 Some of the changes (once ratified by Management Committee) will require changes to the Management Agreement which will need to be approved in each Founder Member Authority. However, as the changes have been discussed with Members at the Management Committee itself and with Strategic Officers it is proposed to operate to the new arrangements once ratified by the Committee even though this will run ahead of each founder Member approving an update to the Management Agreement.

## 4. RECOMMENDATION

4.1 That Members should:

- i. Agree to the proposed changes to YPO's governance arrangements and recommend that the required changes to the YPO Management Agreement be approved by the Founder Member authorities; and
- ii. Agree to review the constitutional structure of YPO again at some point after the 2023 Annual General Meeting.

## SERVICE DIRECTOR: SIMON HILL, MANAGING DIRECTOR

YPO  
41 Industrial Park  
Wakefield  
WF2 0XE

E-mail address: [simon.hill@ypo.co.uk](mailto:simon.hill@ypo.co.uk)

## APPENDICES

*Appendix 1: Financial Procedure Rules*  
*Appendix 2: Contract Standing Orders*  
*Appendix 3: Management Agreement*

*Appendix 4: Scheme of Delegation*

*Appendix 5: YPO Standing Orders*

*Appendix 6: Proposed Agendas 2022 – 2023*

*Appendix 7: Proposed Governance Schedule 2022 – 2023*

*Appendix 8 Proposed Terms of Reference*

## **Finance Procedure Rules – Redraft March 2022**

### **Purpose of the Financial Procedure Rules**

Financial Procedure Rules are a key element of YPO's governance arrangements. They make a clear, understandable, and transparent statement that aims to promote the highest standards in financial management and activity, ensuring probity, integrity, accountability, and impartiality.

Financial Procedure Rules apply to everyone and failure to comply with them may lead to disciplinary action.

In circumstances arising from an emergency it is permitted to set aside or waive some Financial Procedure Rules. When this occurs the MD / ED-F must inform the CFO at the earliest opportunity and provide a written report to the next Management Committee.

### **Responsibility For Observance**

In accordance with the Local Government Act 1972 (Section 151) and the Accounts & Audit Regulations, YPO's Lead Authority must appoint a suitably qualified Responsible Financial Officer. As Lead Authority, Wakefield Council has appointed the Chief Finance Officer (CFO) to this role. CFO is responsible for the proper administration of YPO's finances, maintaining and updating FPRs, and reporting any breaches to the Management Committee.

### **Delegated Authority**

The day-to-day management of YPO's financial arrangements is delegated to YPO's Managing Director (MD) or Executive Director – Finance (ED-F), as set out in the Scheme of Delegation.

The Scheme of Delegation sets out the delegation from our Management Committee to our Lead Authority and Chief Finance Officer, and then through to the MD and ED-F at YPO.

All financial reporting and decisions are reported back to the Management Committee through the agreed Committee cycle where their approval of any recommendations is agreed and recorded.

### **Core Responsibilities of the YPO MD, ED-F and Finance team**

To maintain and review all accounting records, to ensure these records are accurate and up to date to present a true and fair view of the Organisation's financial performance and position.

These records include all invoices, cash transactions, accounting adjustments and payroll information.

To ensure the safeguarding of all assets by ensuring accurate and up to date registers are in place and maintained, these include: -

- Goods held for resale
- Non-Current Assets inc. Land and Buildings
- Assets held not for resale
- Debtors, Cash and Creditor balances

Ensure adequate policies and procedures are in place to prevent fraudulent and other irregular activities. This includes the segregation of duties across all invoice and payment processing activities.

All employees are expected to always act in accordance with YPO's Anti-Bribery Policy

### **Financial reporting and decision making**

In line with the agreed reporting cycles, periodic reports will be submitted to Member Committees, the Chief Finance Officer of the Lead Authority and YPO Board covering: -

- Financial Performance, KPI analysis and Annual Accounts
- Budget setting and Business Planning

- Ad hoc financial reports for decision making purposes

All reports will include recommendations for members to approve.

The draft and audited Statement of Accounts will be prepared and reported annually to the Audit & Governance Committee and to the Management Committee.

## **Authorised signatures and limits**

The ED-F will maintain a list of authorised signatories and authorisation levels for orders

The ED-F will maintain a list of authorised signatories and authorisation levels for invoices.

The ED-F will maintain a policy that sets out the responsibilities of authorising officers. All authorising officers will familiarise themselves with the policy and their responsibilities.

The MD will authorise several officers as Procurement Card holders. Card holders must comply with Finance Procedure Rules, Contract Procedure Rules and the Payment Card Manual.

## **Banking and Treasury Management**

The CFO will make arrangements for the negotiation of banking terms, the opening and operation of YPO bank accounts.

Day-to-day banking transactions will be managed by YPO, with regular engagement held with the Bank's Relationship Manager.

A Bank Mandate will be maintained and updated where needed which confirms authorisation levels.

The MD / ED-F will ensure that all treasury management transactions are made in accordance with the Treasury Management Policy. Formal arrangements may be entered into with the Lead Authority with the approval of the CFO and ED-F.

## **Reserves**

The MD / ED-F will maintain approved procedures and records for creating a reserve, that include the purpose of the reserve. Reserve creation must be reviewed by the CFO and approved by the Management Committee prior to use.

Once approved inclusion of the reserve gives the MD / ED-F authority to incur expenditure.

Change of use of a reserve must be reviewed in advance by the CFO and approved by Management Committee.

## **Investments**

The MD / ED-F will maintain approved procedures and records for investment proposals including funding and borrowing in accordance with the Capital Policy, and ongoing revenue implications. Investment proposals must be reviewed by the CFO and approved by the Management Committee prior to expenditure.

Once approved, inclusion in the investment proposal gives the MD / ED-F authority to incur expenditure.

Progress of investment proposals, including attainment of milestones and any overspends, must be reported to Management Committee at least annually.

## **Accounting, Statutory Returns and Taxation**

The ED-F will ensure that all required statutory returns are published and submitted on time

The ED-F will ensure compliance with HMRC requirements including VAT, and ensure all payments are made on time.

**Risk, Insurance, Assurance and Audit**

The MD will maintain an appropriate Risk Management Framework, Strategy and Policy.

The MD / ED-F will maintain arrangements to effectively manage credit risk and control.

The MD / ED-F will ensure YPO has effective insurance arrangements in place to meet legal requirements and to transfer risk, where appropriate.

The CFO will review YPO's insurance arrangements at least annually.

The CFO will enable the provision of an Internal Audit function, acting in accordance with relevant standards (currently Public Sector Internal Audit Standards) to provide assurance and make recommendations for improvements in risk mitigation and internal control.

The CFO and / or their IA representative retains the right of access at all reasonable times to YPO premises; documents, records and correspondence; stocks and assets; employees; information and explanation.

The MD / ED-F will ensure that all suspected and actual irregularities are reported to the CFO / Internal Audit, and where appropriate, the Police.

The MD / ED-F will ensure that an appropriate External Auditor is appointed and that they are given the right of access at all reasonable times to YPO premises; documents, records and correspondence; stocks and assets; employees; information and explanation.

## **Appendix 1 Definitions for Financial Procedure Rule and Standing Orders for Contracts**

**“Organisation”** means the consortium of local authorities known as Yorkshire Purchasing Organisation (YPO)

**“Managing Director”** means the current Managing Director of the Yorkshire Purchasing Organisation or an officer designated by him/her.

**“Executive Director - Finance”** means the current Executive Director – Finance of the Yorkshire Purchasing Organisation or an officer designated by him/her.

**“Chief Financial Officer”** means the current Director of Finance of the Lead Authority responsible to the Management Committee of the Organisation for providing financial advice to the Organisation (other than the financial services performed by the Managing Director or other officers designated by him/her). In fulfilling this role the Chief Financial Officer will be able to rely on the Managing Director of the Organisation to keep him/her informed on all aspects of his/her role relating to the Organisation under Section 151 of the Local Government Act 1972, including compliance with the rules forming the Financial Procedure Rules and Standing Orders relating to Contracts of the Organisation.

**“Management Committee”** means the elected members of the Organisation constituting its Management Committee and any of its Sub Committees.

**“Lead Authority”** is the member authority chosen by the Management Committee to provide support services to the Organisation.

## **Appendix 2 Authorisation Limits for Finance Procedure Rules**

These appendices set out the limits to be used in conjunction with the *Financial Procedure Rules*

### **Bank Mandate**

Approval of cheque payments – Up to £5,000 one signature required  
Above £5,000 two signatures required

Setting up of Direct Debit payments – 2 signatures required

### **General Ledger Expense Approval Limits**

Head of Department – up to £5,000  
Director – Above £5,000



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**Standing Orders for Contracts  
and  
Financial Procedure Rules**

[www.ypo.co.uk](http://www.ypo.co.uk)

Document Control Page

Document Type	Standing Orders
Document Ownership	Corporate Governance
Title of Document	Standing Orders for Contracts- <del>and Financial Procedure Rules</del>
Reference Number	
Controlled By	<del>Head of Finance</del> Finance Director
Created By	Head of Finance / Contracting Manager
Approved By	Board of Directors
Submitted for approval to	Management Committee
Approved	
Maintained By	Head of Finance / Contracting Manager
Publication Date	
Next Review Date	
Current Version	4.10
Distribution	Directors, Managers, Intranet
Replaces Document	<del>Standing Orders for Contracts and Financial Procedure Rules 2016</del> <u>Standing Orders for Contracts and Financial Procedure Rules 2019</u>

**Commented [RR1]:** Ultimate governance needs to come from the board, due to changes it makes sense for JH to own the document although MH and RR to continue to be responsible for maintenance of the SO. Changes or annual updated should be brought to the Board agenda by JH

**Commented [RR2]:** Propose likely to be Sep/Oct 2022- we will have a better view of the regulatory framework by then hopefully if the Gov publish their procurement white paper early to mid next year.

## YORKSHIRE PURCHASING ORGANISATION

### Contents:

#### Section 1 Standing Orders for Contracts

- 1. Definitions
- 2. Introduction
- ~~3.~~ ~~Responsibility for Observance~~
- ~~4-3.~~ Conduct of Members and Employees
- ~~5-4.~~ Propriety
- ~~6-5.~~ Compliance
- ~~7-6.~~ Exceptions
- ~~8.~~ ~~Freedom of Information~~
- ~~9-7.~~ Equality and Diversity
- ~~10-8.~~ Terms and Conditions
- ~~11-9.~~ Tendering Process
- ~~12.~~ ~~Sample Process~~
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- ~~14-11.~~ Contracts Under £25,000
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- ~~16.~~ ~~Contracts Between £75,000 and EU Thresholds~~
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- ~~18-14.~~ Receipt and Opening of Tenders
- ~~19-15.~~ Examination of Tenders
- ~~20-16.~~ Acceptance of Tenders
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- ~~22-18.~~ Purchasing
- ~~23.~~ ~~Further Competition~~
- ~~24-19.~~ Post Contract Award

#### Section 2 ~~Financial Procedure Rules~~

This section of the document has been replaced by separate Financial Procedure Rules agreed by the YPO Board in January 2018.

**Commented [RR3]:** As the FPR were replaced by a separate document 3 years ago, there is no longer need for the SO's to refer to them as having moved since they are well embedded at time of writing.

## 1 DEFINITIONS

1.1 **“Organisation”** means the consortium of local authorities known as the Yorkshire Purchasing Organisation.

1.2 **“Managing Director”** means the current Managing Director of the Yorkshire Purchasing Organisation or an officer designated by him/her.

~~1.3 **“Monitoring Officer”** means an officer designated by Lead Authority responsible to the Management Committee of the Organisation who will secure legal and administrative services for the Organisation (other than the administrative services performed by the Managing Director or other officer designated by him/her).~~

1.4 **“Chief Financial Officer”** means the current Director of Finance of the Lead Authority responsible to the Management Committee of the Organisation for providing financial advice to the Organisation (other than the financial services performed by the Managing Director or other officers designated by him/her). In fulfilling this role the Chief Financial Officer will be able to rely on the Managing Director of the Organisation to keep him/her informed on all aspects of his/her role relating to the Organisation under Section 151 of the Local Government Act 1972, including compliance with the rules forming the Financial Procedure Rules and Standing Orders relating to Contracts of the Organisation.

1.5 **“Management Committee”** means the elected members of the Organisation constituting its Management Committee and any of its Sub Committees.

1.6 **“Lead Authority”** is the member authority chosen by the Management Committee to provide support services to the Organisation.

1.7 **“Chairperson”** means the current Chairperson of the Management Committee.

1.8 **“Framework”** means an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price, quality and where appropriate the quantity envisaged.

1.9 **“Contract”** means an agreement made by the Organisation with another party creating a legal relationship enforceable by law.

1.10 **“Goods”** includes all supplies and materials that the Organisation purchases or obtains.

1.11 **“Services”** includes all services, which the Organisation purchases or obtains including but not limited to advice, consultancy, agency staff, third party logistics etc.

1.12 **“Works”** includes the construction of new buildings and works, restoring and common repairs.

1.13 **“Whole Life Costs”** means the whole costs of the provision of the works, goods and/or services **from inception to disposal** including any annual maintenance costs or annual fees (i.e. software licences)

~~1.14 **“FTS”** means the Find a Tender Service hosted by the Cabinet Office for Her~~

**Commented [RR4]:** Final doc- these will be switched around to alphabetical referencing and re-numbered correctly.

**Commented [RR5]:** Monitoring officer was included in relation to the financial procedural rules and are not once mentioned within the SO otherwise, so the definition is removed without any change or impact on the document.

Majesty's Government on .gov and through which the Organisation publishes Tendering opportunities.

**1.15** **"Procurement Officer"** means the individual or individuals at the Organisation designated as Buyers, Category Managers or Business Managers responsible for delivering Contracts, Frameworks and assessing Goods, Services and Works in accordance with the Contracts Standing Orders.

**Commented [RR6]:** Procurement Officers are mentioned in the SO but not defined anywhere. So added in for clarity

**1.16** **"Tender Plan"** means the written record used and signed by the Procurement Officer to document the intended route to market for any procurement including planned evaluation criteria, market considerations, exceptions to the Contracts Standing Orders and planned delivery dates.

**Commented [RR7]:** Is mentioned in the SO, but not defined- so added in for clarity.

**1.17** **"Tender Recommendation Form"** means the written record used and signed by the Procurement Officer to document the outcome of any tender or procurement exercise including the process used, issues faced, outcome reached and the proposed intent as a result of the exercise including the award of Contracts or Frameworks where appropriate.

**1.14** **"OJEU"** means the Official Journal of the European Union.

**Commented [RR8]:** We no longer use this platform having left the European Union, instead we have FTS which replaces this term throughout

## 2. INTRODUCTION

**2.1** ~~YPO's Standing Orders for Contracts aim to promote the highest standards in procurement activity ensuring probity, integrity, accountability and impartiality in making a clear, understandable, transparent and fair selection of suppliers by the Organisation, and form part of the governance arrangements of the Organisation.~~ Standing Orders for Contracts set out the procedures that must be followed by the Organisation for the procurement of all Contracts and Frameworks, subject to the the Management Agreement and the Managing Director's Scheme of Delegation and the laws of England

**1.1.** **2.2** ~~YPO's Standing Orders for Contracts also promote the delivery of value for money and the required levels of quality and performance in all contracts that are let. The Organisation is committed to the overall principles that:~~ The Organisation is committed to the following overall principles:

a) All purchases will be based on the ~~most economically advantageous~~ tender.- Unless agreed by the Managing Director.

**Commented [RR9]:** In preparation for the procurement reform, MAT not MEAT to help focus more on government procurement agenda.

~~a) b) Goods and services will be acquired by fair, objective and transparent competition. The Organisation shall treat all tenderers and suppliers equally and without discrimination and shall act with integrity and in a transparent manner in carrying out its duties.~~

**Commented [RR10]:** In line with the upcoming PCR updated principles required by the GPA as a minimum.

c) ~~Social Value impact and outcomes will be a core, demonstrable consideration in all purchasing decisions made under these Standing Orders for Contracts.~~

**Commented [RR11]:** YPO exists solely to deliver this 'value' to our members and customers. It is a developing area in terms of monitoring and visualisation but it would be prudent to instil it as a core principle within our activities as it promotes the notion of value beyond the MEAT as per a)- so its not just about what is best value for YPO its about what is best value for society as a whole. Note: this is a departure in YPO principles from Government principles but it will help embed new processes aimed at SV into our future works and also works well in tandem with recent developments in public procurement.

**2.3** ~~YPO's Standing Orders for Contracts also aim to deliver competitive procedures and the avoidance of practices which may restrict, prevent or distort competition.~~

**Commented [RR12]:** Narrative, does not add any intrinsic value to the CSO.

2.4 ~~Procurement will be carried out in compliance with the legal and ethical requirements referred to in these Standing Orders for Contracts, and taking into account the Organisation's commitment to continuous improvement, quality and environmental issues.~~

**Commented [RR13]:** This element is covered further down, not necessary to repeat more than once plus unnecessary narrative is included.

2.5 These Standing Orders for Contracts apply to all Contracts for Goods, Services and Works.

2.6 All values referred to in these Standing Orders for Contracts are exclusive of VAT.

2.7 Any dispute regarding interpretation of these Standing Orders for Contracts shall be referred to the Managing Director or his/her nominated officer.

2.8 The Managing Director or his/her nominated officer shall undertake a formal review of these Standing Orders for Contracts on an annual basis.

**3. Responsibility for Observance**

~~3.1 The Management Committee is responsible for regulating and controlling the contractual arrangements of the Organisation.~~

~~3.2 The Managing Director shall operate in accordance with these Standing Orders for Contracts, the Organisation's Financial Procedure Rules and the Managing Director's Scheme of Delegation and the law of the land with respect to all matters relating to contracts.~~

**Commented [RR14]:** This para doesn't add any additional detail- the JC is automatically vis the MA responsible for this, it doesn't need explicitly stating and the MD as an employee of YPO has to comply with these CSO its unnecessary to state it separately.

**4. Conduct of Members and Employees**

~~4.1 In dealing with matters referred to in these Standing Orders for Contracts employees shall abide by the provisions of the Organisation's Code of Conduct Policy (particularly Sections: (7) Outside Commitments; (8) Personal Interests; (10) Separation of Roles During Tendering and (11) Corruption, Fraud, Bribery and Theft) and the rules contained in these Standing Orders for Contracts and the Organisation's Financial Procedure Rules.~~

**Commented [RR15]:** Similar to the above- employees must act within code already regardless of it being included here in the SCO, so not adding additional value here.

4.2 So far as possible, the election to the Management Committee of anyone with a significant involvement in any way with any firm likely to be employed by the Organisation, or the employment of any officer with a similar involvement, should be avoided.

4.3 Members and employees of the Organisation shall not sell any goods or services to the Organisation.

4.4 No contractor, supplier or service provider in which a member or officer has a pecuniary interest may be chosen or appointed, other than by following the procedures laid down in these Standing Orders for Contracts, the Organisation's Code of Conduct Policy and without having disclosed his/her interest by completing a Declaration of Interest Form in accordance with statutory requirements and the Organisations Register of Employee Interests Policy.

**5. Propriety**

5.1 ~~The Organisation shall conduct all its operations with the utmost propriety. With this in mind the Managing Director~~ **Board of Directors** shall have direct access to

**Commented [RR16]:** Disaster management, should be possible for someone other than the MD to manage the business in their absence.

the Secretary, the Chief Financial Officer or the Chairperson of the Organisation, in matters touching on the propriety of purchasing arrangements. The Managing Director shall provide information and advice as necessary, but where circumstances clearly require a completely impartial approach, initial decisions shall be taken by the Secretary, the Chief Financial Officer or the Chairperson, as appropriate. All such matters must be referred to the Management Committee either for decision or, where action has already been taken, for confirmation.

**Commented [RR17]:** As defined in the document.

## 6. Compliance

6.1 Contracts entered into on behalf of the Organisation shall be made in accordance with ~~these Standing Orders for Contracts~~, all relevant ~~EU and UK~~ legislation requirements and applicable government guidance ~~timescales~~, ~~including case law~~.

**Commented [RR18]:** For obvious reasons. Other references to EU law have been removed without further comment.

**Commented [RR19]:** Added in to include the NPPS requirements which isn't a law but is mandated by the cabinet office.

6.2 Where an appropriate standard or code of practice issued by the UK Government ~~European Union is current at the date of the tender~~, every contract subject to these Standing Orders for Contracts shall require that all goods and materials, used or supplied, and all workmanship provided shall be in accordance with that standard.

**Commented [RR20]:** This is usually in the form of PPNs which we receive and adopt regularly although this may change with the gov white paper on proc reform next year.

6.3 The Contracts Team and all other officers with budget responsibilities within the Yorkshire Purchasing Organisation are responsible for ensuring that processes adopted are compliant with these Standing Orders for Contracts.

6.4 The Procurement route should take into account instances where Goods, Services and Works can be obtained via appropriate, existing, approved and enabled arrangements.

These include:

6.4.1 The use of a Member Authority's in-house services such as payroll, legal, vehicle maintenance etc.

6.4.2 Nationally negotiated contracts such as those arranged by any Public Sector Body or Public Buying Organisations such as Eastern Shires Purchasing Organisation and the Crown Commercial Service.

## 7. Exceptions

7.1 Exceptions from any of the provisions of these Standing Orders for Contracts shall only be made by decision of the Management Committee or in compliance with the terms of the Managing Director's Scheme of Delegation and a written record signed by the Managing Director in the form of an Exception Report will be kept centrally in an electronic file held by the Contracts Team

7.2 Subject to statutory requirements tenders need not be invited in accordance with these Standing Orders for Contracts in the following cases:

a) Goods and Services which are obtainable from one contractor only and for which there is clear recorded evidence that no satisfactory alternative is available.

b) The execution of Works of a specialised nature where there is clear

recorded evidence that they may only be carried out by one contractor.

- c) Goods of a nature entrusted to a particular public utility, local authority (or similar) or other statutory undertaker.
- d) The purchase of Goods and Services from a central or local government purchasing organisation where YPO is satisfied that the procurement has been undertaken in accordance with legislation and any specific Call Off procedure is followed.
- e) The purchase of Goods and Services where prices of the goods are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available.
- f) The purchase of Goods and Services in response to emergency.

g) ~~Where an Exception Report has been properly signed by the Managing Director.~~

**8. Freedom of Information**

~~8.1 The Freedom of Information Act 2000 (FOIA) & Environmental Information Regulations 2004 provide the right of public access to information held by public authorities such as YPO.~~

~~8.2 All requests received by the Organisation under FOIA in respect of tenders and contracts should be channelled through YPO's Risk, Audit and Assurance Officer immediately upon receipt to enable the Organisation to comply with its Access to Information Policy.~~

~~8.3 The FOIA includes potential exemptions on the basis of commercially confidential information. However, tenderers will be made aware of the implications of the Act at the tender stage.~~

**9. Equality and Diversity**

~~9.1 The Organisations Frameworks and Contracts must include protections to ensure cContractors, suppliers and service providers will not unlawfully discriminate within the meaning and scope of any law, enactment, order or regulation relating to discrimination (whether in race, gender, religion, disability, sexual orientation, age or otherwise) in employment.~~

~~9.2 Contractors, suppliers and service provider's will be required to take all reasonable steps to secure the observance of YPO's framework agreement / Contract by all servants, employees or agents of their organisations or those of their suppliers and sub-contractors employed in the execution of the Framework Agreement / Contract.~~

**10. Terms and Conditions**

~~10.1 Contracts and Framework Agreements will use YPO's standard terms and conditions.- Variations from the standard format must be approved by YPO's Contracting Manager and if necessary legal advice sought.- Terms and~~

**Commented [RR21]:** This is for clarity- 7.1 says that the MD can approve within the scheme of delegation general exceptions' but the most common exception is deviations from a procurement process. 7.2 sets out specifically where a tender process is not required- which should include where the exception report has been executed as a clear, valid ground for not following the SO. This ties in nicely for clearing up that an exception report needs executing BEFORE the award of a contract not tendered, not at any time before or after or else this clause 7.2 would be breached and an explanation sought- it should give more control to the Board to see potential deviations before they happen if it is followed.

**Commented [RR22]:** Not required for the CSO, FOIA is dealt within a separate and wider policy document no added benefit to including here as a result.

**Commented [RR23]:** There's no point saying that third parties won't do a thing- the onus is on YPO to ensure it doesn't happen and it can do this through minimum contracting requirements in all its contracts. If this is breached, the supplier and affected contract earrangement should be terminable.

**Commented [RR24]:** Not a beneficial inclusion, bearing in mind we cant force a supplier to act in accordance with our own CSO not can we show it is monitored effectively.



~~conditions will be included with tender documents and issued to suppliers as part of the invitation to tender.~~

10.2 Tenderers are expected to accept YPO's Terms and Conditions held within the Framework Agreement or Contract without qualification. Acceptance of qualified terms and conditions will only be made at the Contracting Manager's discretion and written assessment should be made of its implications and held on a central file within the Contracts Team. ~~YPO is not obliged to accept any variation to terms and conditions and in general, any such relaxation will only be granted if it is considered reasonable under the circumstances, provides a commercial advantage to YPO, the level of risk is assessed as acceptable and it does not distort competition between the tenderers~~

**Commented [RR25]:** These are all tender practicalities and not wholly necessary for a governing document, instead, these will fit better in the procurement manual.

10.3 The tender documents should give tenderers the opportunity to raise any queries in relation to the terms and conditions during the "Clarification Question" stage of the process to allow for all queries to be addressed and a response (if required) can be circulated to all tenderers. ~~Any legal queries raised during the tender process should be referred to the Contractsing Manager.~~

~~10.4 The tender documents should also state that any legal queries raised after the deadline for submission of tenders or any included in a tenderers bid submission will not be considered.~~

10.5 Contracts for the execution of Works or the purchase of Goods or Services where urgency is too great to permit the making of a contract in writing will be confirmed in writing at the earliest opportunity.

**11. Tendering Process**

11.1 Yorkshire Purchasing Organisation's preferred route is to utilise an electronic tendering system (ETS) for all tendering activity. Any exception to this process must be agreed on a case by case basis with the Contracts Team with full details of the reason for change retained in writing on file.

11.2 The ETS provider is sourced, administered and managed by the Contracts Team

11.3 User training is provided by the Contracts Team

11.4 Cost may be evaluated through an e-auction where appropriate.

~~11.5 When commencing the procurement of Goods, Services or Works for contracts within each band the procurer must complete and return to the Contracts Team the New Business Detail Requirement Form which will form the basis of the initial ETS set up for the procurement.~~

11.6 Gateway sign off stages for contracts within each band will be dependent on the monetary, complexity and risk value of the contract and will be confirmed by the Contracts Team at the time of tendering.

**Commented [RR26]:** At the moment- the gateways just capture the procurement process in these SO, but in future, we will create a handbook including gateways in conjunction with services and trading that encapsulates the entire procurement process. As its not in place yet- this will require updating for 2023.

~~11.7 Any exception to the procurement processes detailed in this document will be at the Managing Director's discretion as detailed above at point 7. A written record documenting the reasons for the exception authorised and signed by the Managing Director, will be retained on an electronic central file held by the Contracts Team.~~

**Commented [RR27]:** Exception process is already set out above, we are repeating terms already shared.

## ~~12~~ Sample Process

- ~~12.1~~ Where samples are requested they must be provided in accordance with the instructions in the tender document by the set deadline.
- ~~12.2~~ They should be sent to the front reception of YPO site 41 FAO The Contracts Team.
- ~~12.3~~ Samples are then required to be held in the sample room until the tender deadline has passed when they will then be passed to the relevant buyer in order to be evaluated.
- ~~12.4~~ Samples from successful suppliers shall be stored in the warehouse for the life of the contract.
- ~~12.5~~ Samples from unsuccessful suppliers are to be returned to the supplier wherever possible
- ~~12.6~~ If the unsuccessful supplier is unable to arrange collection, or does not require the samples to be returned. A list of these products should be submitted to the Asset Management Team who will log this on their "Unsalable Items" Spread Sheet. Items will be used internally, donated to charity or disposed of.
- ~~12.7~~ Samples from unsuccessful suppliers should be returned or passed to the Asset Management Team within one (1) month of the award of the contract

**Commented [RR28]:** No benefit to having the samples process embedded in our CSO. It would fit much better in our procurement manual.

## 13 Tender Information Obligation

- 13.1 As part of the Local Government Transparency Code the Organisation has an obligation to publish information on a monthly/quarterly basis in relation to invitations to quote and invitation to tender for all contracts to provide goods and/or services that exceed £25,000. ~~However, Central Government later issued guidance stating that where contracting authorities already had a limit e.g. £25,000 in their internal governance procedures this would be sufficient for the purposes of the Code.~~
- 13.2 The information to be published is reference number; title; description of goods/services; start, end and review dates; title of agreement; supplier name and details; sum to be paid over the length of the contract; the process used; whether or not the supplier is a small/medium enterprise and/or a voluntary or community sector organisation and the department responsible for the procurement.

**Commented [RR29]:** Note for board- this is still the case, but will most likely be changing under the new regime in terms of the amount and form of publication and will also include pipeline information which is already being encouraged by the Cabinet Office. This will require further amendment in 2022 but changed for now just to get rid of the narrative elements which are unnecessary.

## 14. Contracts / Frameworks under £25,000

- 14.1 This includes any procurement activity (internal or trading spend) involving an estimated aggregate Whole Life Costs value up to £25,000
- 14.2 The procurer may use any reasonable means to source supplier options but the tendering procedure and outcome must be managed and a written record must be retained. If requested to do so a copy must be provided to the Contracts Team on conclusion.

**15. Contracts / Frameworks between £25,000 and UK Government Thresholds £75,000**

- 15.1 This includes any procurement activity (internal or trading spend) involving an estimated aggregate Whole Life Costs value between £25,000 and £75,000
- 15.2 There must be a minimum of three written quotes from selected suppliers unless agreed otherwise by the Contracts Team in exceptional circumstances.
- 15.3 The procedure must be carried out electronically via the ETS with a written record of the specification, the quotations, the evaluation process and notification of award and rejection. This written record must be retained.

**~~16. Contracts / Frameworks between £75,000 and EU Thresholds for Goods, Services & Works~~**

- ~~16.1 This includes any procurement activity (internal or trading spend) involving an estimated aggregate Whole Life Costs value between £75,000 and the EU Threshold for Goods, Services and Works.~~
- ~~16.2 The procurement activity must be advertised on Contracts Finder and awarded by the Contracts Team unless agreed otherwise by the Contracting Manager.~~
- ~~16.3 The entire process will be overseen and signed off by the Contracts Team.~~
- ~~16.4 The procedure must be carried out electronically via the ETS with a written record of the specification, the quotations, the evaluation process and notification of award and rejection. This written record must be retained.~~

**17. Contracts / Frameworks above UK Government EU Thresholds for Goods, Services & Works**

- 17.1 Procurement activity with an estimated aggregated Whole Life Costs value above UK Government EU Thresholds for Goods, Services and Works will be overseen conducted by the Contracts Team or Procurement Services Department. To ensure compliance with EU rules and regulations the Contracts Team will oversee all tendering processes, ensuring a segregation of duties and a consistent approach.
- 17.2 All tenders must be advertised on Contracts Finder and advertised and Awarded on Contracts Finder and the Find a Tender Service in the OJEU.
- 17.3 Procurements must be processed via the ETS unless otherwise agreed by the Contracts Team. In the case of tenders for Goods or Services, the relevant officers should consider whether the contract will be of benefit to other public sector bodies.
- 17.4 The selection and award criteria, sub-criteria and weightings to be used in the evaluation process must be clearly communicated to all tenderers in the FTSOJEU entry and; in the Invitation to tender, and on the ETS. These criteria must be followed during the evaluation process. Under no circumstances may any of the criteria be changed or new criteria introduced from those published.
- 17.5 Before commencing any tendering exercise an assessment of risk pertaining to the specific tender exercise will be undertaken. This will allocate the required

**Commented [RR30]:** Recommend getting rid of this mid-tier - its difficult to justify or enforce and it puts an unreasonable burden on the teams to go above and beyond the minimum expectations in the legislation in a way that does not add any obvious benefits to YPO- instead have a minimum process up to the thresholds and the process over which then follows legal standards. This is similar to some of the members CSO's but research has shown they often themselves have multiple tiers but removing it here should make us a little more flexible if contracts let up to threshold have already had budgetary approval.

sign off levels / stages which must be adhered to.

17.6 All legally required time limits must be followed as minimum

17.7 ~~Social Value sustainability~~ considerations must be included in the criteria for award in the ~~ETSQJEU~~ notice and tender documentation, ~~when pertinent to the contract.~~

~~17.8 The Social Value Act/added value must be considered within the tender plan and documentation if found to be pertinent to the services contract/framework.~~

17.9 In every instance detailed records will be held (electronically) of all stages of the process.

**18. Receipt and Opening of Tenders**

18.1 The receipt and opening of tenders will be undertaken using the ETS unless otherwise agreed by the Contracts Team.

18.2 The Contracts Team are responsible for receipting and opening all tenders unless otherwise agreed by the Contracting Manager.

18.3 Late tenders may be considered at the discretion of the Contracting Manager, if the Contracting Manager is satisfied that there was reasonable cause for the delay and fair competition has not been compromised. A record of this decision will be held centrally by the Contracts Team.

~~18.4 Using the ETS the Contracts Team will confirm the submissions received are against the correct tender.~~

**19. Examination of Tenders**

19.1 Tenders submitted in competition shall not be considered if:

- a) The tender is in some way uncertain in its terms and it is unclear what the submission is offering,
- b) There is evidence that the tender document has been altered without consent.

19.2 If a tender requires clarification on a technical or contractual matter all necessary communication must be properly recorded and remain confidential. Such clarification may only be undertaken when the process remains fair to all Tenderers and does not distort competition in any way.

19.3 During the period between the closing for the receipt of a tender and award, Tenderers may not seek to amend prices in any way, other than a genuine and obvious error. Such circumstances must be properly recorded on file and competition must not be distorted in any way. Evidence should always be provided that can be tracked back to the original quote.

19.4 If variations to specifications are to be examined and considered, tenderers must have been made aware in the invitation to tender document.

**20. Acceptance of Tenders**

**Commented [RR31]:** The push for gov and local authorities is for social value to become an integral part of the procurement process. As proposed earlier- SV should be a guiding principle and so, it is also not appropriate for us to consider SV as ever not relevant. Also, Social Value over Sustainability, because SV is overarching and sustainability sits within it, as sustainable solutions promotes social value.

20.1 The designated Procurement Officer(s) shall evaluate the tenders and make a recommended contract award based on the most ~~st~~ economically advantageous tender to the sign off panel.

20.2 ~~In the case of 2 or more tenders being equal, environmental considerations (transport, packaging and the company's environmental standing and performance) may be used to determine the successful bid. If all aspects are still equal the Managing Director shall decide and record the decision.~~

20.3 The proposed award would then be signed off by the tender team and a Tender Recommendation Form and a Regulation 84 Report shall be completed

20.4 The relevant company credit checks and any other necessary checks will be carried out by an agreed member of the tender team prior to contract award and copies of any searches and documents retained.

20.5 Signed letters of proposed acceptance and rejection shall be sent to Tenderers in the format provided by the Contracts Team initiating a mandatory standstill period before final contract award.

20.6 ~~In the event of a request for a de-brief by an unsuccessful tenderer during the standstill period, the de-brief will be organised by a member of the Contracts Team in line with YPO's internal best practice. A full record must be kept on file. Meetings will always involve a minimum of two members of YPO's staff including a member of the Contracts Team. The Contracts Team will advise on how to de-brief organisations for under threshold tenders.~~

20.7 If ~~the de-brief is not carried out to the satisfaction of the unsuccessful tenderer who then initiates a legal challenge, or if a legal challenge is received without de-brief~~ and during the standstill period, the Contracts Officer shall meet with the tender team and the Contracting Manager will be informed and legal advice will be sought where required from the Lead Authority.

20.8 The acceptance of tenders and related communication will be undertaken using YPO's preferred route of the ETSe tendering system.

**21. Claims from Contractors, Suppliers and/or Service Providers**

21.1 Any claim from a contractor, supplier or service provider shall be referred to the Contracting Manager, ~~The Board of Directors~~ Managing Director, Secretary and to the Chief Financial Officer for advice before any settlement is made.

**22. Purchasing**

22.1 After the award of the Contract / Framework to the successful providers the Contract / Framework agreement must be signed and returned to YPO immediately ~~(subject to point 10.1)~~.

22.2 Upon receipt of the above the Managing Director or his/her nominated officer must sign the framework agreement on behalf of YPO in accordance with the levels set out in appendix 1.

22.3 ~~Contained within the framework agreement is the Call off Order Form. Before any procurement of the Goods, Services or Works can commence the call off order form must be filled in and issued to the supplier. This activates the Call off~~

**Commented [RR32]:** We do not take legal advice for all challenges and are likely to only do this in the event that a challenge is likely to proceed to court. A register of all challenges is kept to monitor this and the need for legal counsel is discussed and at the discretion of the Board and otherwise subject to the terms of the Mangement Agreement.

**Commented [RR33]:** These Levels have been reviewed- I propose some changes to this section to allow for some frameworks to be signed by myself or the Finance Director down to the sheer volume we receive and the underlying fact that frameworks are not themselves binding on YPO or the members because they do not have the sufficient elements to be considered contracts. This is a recommendation that requires review.

~~Terms and Conditions~~

~~22.4 If included within the Invitation to Tender documents the Supply Chain Agreement must be signed and returned to YPO.~~

~~22.5 Any variations to the framework agreement including any specification amendments must be discussed with the Contracts Team to ensure that the variation is not a material change to the contract scope.~~

~~22.6 Once agreed between the parties the variation form must be completed by either side and signed off by both YPO and the successful supplier. A variation to the framework must be assessed for risk and verified by the Contracts Team before YPO enter into negotiation to vary the framework agreement/ contract.~~

~~22.7 The Management Information must be provided to YPO by all successful suppliers as part of the framework agreement.~~

~~22.8 Signatures are required on the Retrospective Payment Certificate to be returned to YPO.~~

22.9 Orders, despatched electronically or on official stationery, should state the quantity (where applicable), an adequate description, the price or the basis of the price, an official purchase order number, delivery date and place and all other relevant conditions.

22.10 Verbal orders shall be kept to a minimum and shall be confirmed with an official order marked appropriately as soon as practicable, but in a period of no longer than two (2) working days.

22.11 Orders shall be individually identified, sequentially numbered, initiated and issued by the Managing Director or a member of staff specifically authorised for that purpose.

22.12 ~~The authorisation of an order will indicate the following:-~~

~~a) That the Goods or Services are necessary for the discharge of the policies and responsibilities of the Organisation.~~

~~b) That where the Goods or Services are for direct use by the Organisation there is a provision for the cost within the estimates or it is covered by special financial provision.~~

~~e) Compliance with the Organisation's Financial Procedure Rules and Standing Orders for Contracts.~~

**Commented [RR34]:** Removed as more operational elements fitting better in the procurement manual moving forwards. Doesn't need to be in the governance documents directly.

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**Commented [RR35]:** Removed as these are all implied terms anyway.

~~23 Further Competition~~

~~23.1 All further competitions should be carried out via the ETS with all Users contacting the Contracts Team prior to commencing any further competition.~~

~~23.2 The Contracts Team will advise as to the appropriate process.~~

**Commented [RR36]:** The other CSO terms apply to the further competition in full, doesn't need a separate section as a result.

**24. Post Contract Award**

24.1 Following Contract award the ~~Buyer/Procurement Officer~~ or where appropriate their ~~line manager/Category Manager~~ will be responsible for monitoring delivery of the Framework / Contract including any and all reviews to take place between YPO and the contractor, supplier or service provider.- All reviews should be carried out on a regular basis, documented and a copy of the Review undertaken retained for YPO's records.

**Commented [RR37]:** For consistency in the SO and the definitions.

24.2 ~~If any problems are experienced and the contractor, supplier or service provider are failing to comply with the Framework / Contract terms and conditions then the following steps should be taken with the assistance of the Contracts Team:-~~

**Commented [RR38]:** These terms are already included in the TC's directly, no obvious benefit to including again in the CSO.

~~(a) Written records must be kept of all correspondence between both parties, the Buyer/Category Manager shall liaise with the contractor, supplier or service provider to ascertain the root cause of the problem.~~

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~~(b) The contractor, supplier or service provider should be invited to attend a performance review. At the performance review a list of actions should be agreed between the parties to monitor the future provision of the goods/services. A copy of the minutes of this meeting should be agreed by both parties and a date set for a follow up meeting.~~

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~~(c) If contract performance has failed to improve then the Buyer/Category Manager should seek advice from the Contracts Team who will provide advice as to the best remedy and action to be taken.~~

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24.3 **UNDER NO CIRCUMSTANCES** should a Framework Agreement / Contract be terminated without advice from the Contracts Team and the Contractsing Manager.

**Section 2 Financial Procedure Rules**

~~This section of the document has been replaced by separate Financial Procedure Rules agreed by the YPO Board in January 2018.~~

APPENDIX 1

YPO

These appendices set out the limits to be used in conjunction with the *Financial Procedure Rules and Standing Orders for Contracts Section 18s-*

*Standing Orders for Contracts*

*Section 21.2-*

Delegated officer	Maximum limit for <del>signing off a execution of a contract</del>	Maximum limit for <del>signing off execution of a framework agreement</del>
Assistant Buyer	up to £0.5 million	
Buyer / category manager Procurement Officer	up to £1 million <del>50,000</del>	
Contracting Manager/SMT member*	up to £500,000 <del>2 million</del>	up to £10,000,000 <del>million</del>
Director other than the Managing Director	up to £1,000,000	Up to £10,000,000
Managing Director*	greater than £2 million All Contracts as permitted within the Scheme of Delegation.	greater than £10 million All Frameworks as permitted within the Scheme of Delegation.

\*The authorities listed in this table should not be delegated below the specified levels.

*Financial Procedure Rules*

*This section of the document has been replaced by separate Financial Procedure Rules agreed by the YPO Board in January 2018.*

**Commented [RR39]:** This wording is amended because it is confusing. Signing off a framework or contract is different to signing an actual contract. One suggests approving the process, the other, actual legal execution. Under the current management agreement, Scheme of Delegation, only the MD has the power to execute contracts that have the power of binding the members in terms of YPO assets, however the MD also has the powers to delegate that authority, although all such actions carried out under such delegation are carried out in the MD's name who will ultimately remain responsible which is important when considering the appropriateness of these levels- like an assistant being able to execute a £500k contract. Such delegation is being approved in these SO so these levels need to be appropriate and is the basis for my amendments.

It is also worth bearing in mind that this delegated authority is also subject still to the financial procedural rules, and the MA itself- so although this sets a level for contractual execution, it does not come without financial protections in place.

**Commented [RR40]:** This should be reflective of common order values for high end stock- some large bulk orders for peak *could* peak this figure but it is unlikely. Failure to agree a figure here will require the business to revisit the order process we use via ERP

**Commented [RR41]:** This has 2 points to consider- theres no clear indication for contract values, what is an appropriate level for sign off by an SMT member, Board must take a view on it. Also, it may be appropriate to remove contracts manager from this level as not largely having any accountability for delivery for most contracts, although it would still be appropriate for the role to include the execution of frameworks.

Note here also, the level for framework execution is high but remember, signing a framework is not binding YPO at point of signature- goods/services/works also have to be ordered, at which point it becomes a contract and the lower figure is used instead.

**Commented [RR42]:** A new level inserted for the board to allow MD to delegate most contracts YPO will ever execute down to the board member responsible. Also note FW level the same as for SMT- its unlikely anyone other than the MD or SMT/CM will realistically need to execute a framework but included just for transparency to reflect their responsibility as a board member as at minimum, equal to that of the SMT level.

**Commented [RR43]:** "greater than" implied that the MD only signs when the value is over this figure- but it jars with the scheme of delegation with the way it is drafted, MD should be able to execute any contract or framework within the framework of the scheme of delegation controlled by the Management Committee.



THIS AGREEMENT is made on the 8<sup>th</sup> day of September 2011 BETWEEN:  
BARNSELY METROPOLITAN BOROUGH COUNCIL of the first part; THE  
BOROUGH COUNCIL OF BOLTON of the second part; THE CITY OF  
BRADFORD METROPOLITAN DISTRICT COUNCIL of the third part; THE  
BOROUGH COUNCIL OF CALDERDALE of the fourth part; DONCASTER  
METROPOLITAN BOROUGH COUNCIL of the fifth part; THE COUNCIL OF  
THE BOROUGH OF KIRKLEES of the sixth part; KNOWSLEY  
METROPOLITAN BOROUGH COUNCIL of the seventh part; NORTH  
YORKSHIRE COUNTY COUNCIL of the eighth part; the ROTHERHAM  
BOROUGH COUNCIL of the ninth part; ST HELENS BOROUGH COUNCIL  
of the tenth part; THE COUNCIL OF THE CITY OF WAKEFIELD of the  
eleventh part; WIGAN BOROUGH COUNCIL of the twelfth part; THE  
COUNCIL OF THE CITY OF YORK of the thirteenth part.

WHEREAS:

(1) The above parties are referred to in this Agreement as 'the Founder Member Authorities' collectively and as 'Founder Member Authority' individually, irrespective of whether they were founding members on formation of the Yorkshire Purchasing Organisation in 1974 or became members thereafter

(2) The Yorkshire Purchasing Organisation (referred to in this agreement as YPO) was established in 1974 to maintain effective, efficient and economical arrangements for the supply of goods, materials and services.

(3) This agreement replaces an earlier agreement agreed in 2010, relating to the governance of YPO, and will govern the operation of YPO from

.....

IT IS HEREBY AGREED AS FOLLOWS:

1. OBJECTIVES AND PURPOSE OF YPO

- (1) YPO shall be a procurement organisation, maintaining effective, efficient and economical arrangements for the supply of goods, materials, works and services, by providing excellent quality, service and competitive prices, whilst optimising the profits available for distribution to its members and customers.
- (2) YPO shall (unless agreed otherwise by at least two thirds of the Founder Member Authorities) be a public sector organisation committed to professional, open, sustainable, caring relationships with its members, customers, staff and suppliers, and in doing so shall help the UK public sector by delivering a high quality service which saves them time and money.
- (3) In conducting its business, YPO shall:
  - (i) Provide all the general supplies and services required by local government and other public/third sector bodies, as permitted under legislation;
  - (ii) Optimise profitability by delivering cost effective services that contribute to customers' efficiency;
  - (iii) Ensure through periodic reviews that the effectiveness, efficiency and profitability of YPO is at least comparable with that of other similar organisations;
  - (iv) Utilise profits to support business investment, to reward membership and to incentivise usage;

- (v) Be informed by, and be consistent with, the innovation and efficiency plans of the Founder Member Authorities and those of regional bodies;
- (vi) Play a constructive role in helping to shape, and benefit from, developments in the national procurement agenda.

2. POWERS OF YPO

In conducting its business as defined in paragraph 1 above, YPO shall at all times

- (i) act within the powers conferred to it by law including but not limited to the Local Authorities (Goods and Services) Act 1970, Sections 101 and 102 of the Local Government Act 1972 and The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000 (in relation to to the joint discharge of functions) together with Section 111 of the Local Government Act 1972 and to the extent it confers specific power to enter into Contracts Section 1 of the Local Government (Contracts) Act 1997, and Regulation 22 of the Public Contract Regulations 2006 (all as amended from time to time) and
- (ii) comply with all other relevant law.

3. MEMBERSHIP OF YPO

- (1) There shall be ~~two~~three types of YPO membership – a Founder Member Authority ~~and~~; an Associate Member Authority ~~and an Ordinary Member~~
- (2) Founder Member Authorities shall participate in YPO under a joint committee arrangement established in exercise of the Founder Member Authorities powers under Sections 101 and 102 of the Local Government Act 1972 and The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000

**Commented [GM1]:** Ordinary Member carries No status and is not relevant to governance

- (3) No further 'Founder Member Authorities' shall be permitted under this Agreement or otherwise
- (4) Each Founder Member Authority shall appoint annually ~~two~~one of its elected members as a members of the YPO Joint Committee (~~who may also act as a substitute for each other~~) and each Founder Member Authority shall also be entitled to appoint ~~two~~one additional substitute members. A substitute Member may attend meetings (including sub-committee meetings) of YPO in place of an appointed member who is unable to attend. It shall be the responsibility of each Founder Member Authority to arrange such a substitution on their own behalf.
- (5) Each Founder Member Authority shall have one vote at Management Committee meetings of YPO, and these votes shall be of equal standing
- (6) The Founder Member Authorities shall select by majority vote in the Management Committee one of their number to act as Lead Authority, with the role and functions specified in SECTION 4 of this agreement.
- (7) A vote to replace the Lead Authority shall take place at the written request of the Lead Authority or at the written request of at least one third of the Founder Member Authorities, setting out their reasons for requesting a vote to take place.
- (8) With the agreement of two thirds of the Founder Member Authorities, via a resolution of the Management Committee, YPO may grant Associate Membership, in accordance with SECTION 8 of this agreement.
- (9) All individual customer account holders shall be Ordinary Members of YPO, in accordance with SECTION 9 of this Agreement.

**Commented [GM2]:** This clause attempts to require a higher level of majority than the simple majority required by general law. Arguably it cannot override the law.

4. ROLE OF THE LEAD AUTHORITY

The Lead Authority for the time being is the Council of the City of Wakefield, which shall perform the following functions on behalf of the Founder Member Authorities:

- (1) Provide the Management Committee with appropriately qualified staff to carry out the roles of Section 151 Officer and Monitoring Officer in relation to YPO;
- (2) Act as employer for all staff of the Management Committee, including the Board of Directors, and to provide such Human Resources input as the Lead Authority considers necessary for the effective discharge of this responsibility;
- (3) Provide an effective internal audit service at a level agreed between the Section 151 Officer and the ~~Audit and Scrutiny Risk~~ Sub-Committee of the Management Committee, including such attendance by Auditors at the Audit and ~~Scrutiny Risk~~ Sub-Committee as is necessary to properly discharge this responsibility;

**Commented [GM3]:** Names the – could be Audit and Governance?

~~(4) Provide effective Committee Administration services to the Management Committee and appropriate sub-committees, at a level considered necessary by the Monitoring Officer;~~

**Commented [GM4]:** Provided by YPO

~~(5)~~(4) Provide effective banking and resource management services on behalf of YPO;

(5A) Shall operate the goods vehicles required for the business of YPO under the Lead Authority's own Operator's Licence and shall control and authorise decision making about the use of such goods vehicles<sup>1</sup>.

**Commented [GM5]:** Reflects VOAS position but arguably this could be held by the ltd company

~~(6)~~(5) Consult Founder Member Authorities on changes to Financial Procedure Rules, Standing Orders, Delegation Schemes and this Agreement, and make recommendations to the Management Committee;

~~(7)~~(6) Chair the Strategic Officers Advisory Group; Ensure appropriate arrangements are made to brief relevant officers in each Founder member authority.

**Commented [GM6]:** Although we will have briefing meetings and groups there is no reason to include this requirement

~~(8)~~(7) Assist the ~~Management Committee~~Chair to monitor the performance of the Managing Director;

(8) Have the authority to defer any proposal to incur expenditure or let any contract by the Board of Directors, pending the outcome of a report to the Management Committee ~~or the Executive Sub-Committee~~ of YPO as appropriate

and shall charge the cost of such services to the Management Committee.

The performance of the Lead Authority will be considered by the Strategic Officers Advisory Group annually and formally reviewed at least every five years.

**Commented [GM7]:** Who will do this? Other Founder members?

## 5. PROCEDURE RULES AND SCHEMES OF DELEGATION

(1) The Management Committee and Board of Directors shall operate at all times in accordance with approved:

- (i) Financial Procedure Rules;

<sup>1</sup> Inserted by Management Committee on 29<sup>th</sup> November 2013

- (ii) Standing Orders;
- (iii) Contract Standing Orders;
- (iv) Officer Delegation Scheme.

(2) Any proposed amendments to the documents in 5(1) shall be subject to:

- (i) A period of at least 8 weeks prior consultation with Founder Member Authorities by the Monitoring Officer;
- (ii) A report to the Management Committee by the Monitoring Officer setting out the results of the consultation, and making recommendations;
- (iii) The agreement of at least two thirds of the total membership of the Management Committee.

**Commented [GM8]:** Another eg of departing from simple majority

#### 6. JOINT COMMITTEE ARRANGEMENTS

(1) The democratic management of YPO shall be vested in the Joint Committee, which shall be known as the Management Committee of YPO.

(2) The Management Committee shall meet at least ~~twice~~<sup>3 times</sup> per year ~~in March, June (AGM) and November~~, and such other times as agreed from time to time by the Chair of the Committee. ~~Each meeting shall have a duration of a maximum of 2 hours unless otherwise agreed by a majority of the Management Committee.~~

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(3) Quorum and substitution arrangements for the Management Committee shall be as set out in this document and the approved Standing Orders of YPO.

(4) The remit of the Management Committee shall be that agreed by YPO Management Committee held on ~~25 September 2009~~ minute 23 (4), and be subject to a review at each Annual General Meeting of the Management Committee.

Commented [GM9]: We should append this

(5) The Management Committee shall appoint annually from its membership those sub-committees that it considers necessary to discharge its duties and responsibilities under this Agreement, and shall include at least an ~~Executive Sub-Committee and an~~ Audit and ~~Scrutiny Risk~~ Sub-Committee.

(6) Prior to each Management Committee meeting, the Lead Authority shall convene a meeting of officers, drawn from the Founder Member Authorities, ~~to be known as a 'Strategic Officers Advisory Group'~~, with a remit to examine draft reports to the Management Committee, raise issues of concern relating to YPO business and to facilitate the pre-briefing of members. It shall be the responsibility of each Founder Member Authority to make available, wherever possible, an officer of ~~director or~~ appropriate status to attend such meetings.

## 7. CODE OF CORPORATE GOVERNANCE

(1) The Management Committee shall keep under review its code of corporate governance and associated documents, including the register of corporate risk, following recommendations by the Audit and ~~Scrutiny Risk~~ Sub-Committee.

(2) YPO managers and such other officers as may be required shall agree to attend on request the scrutiny committees of the Founder Member Authorities to assist in their assessment of the effectiveness of YPO operations and assurance procedures.



8. ASSOCIATE MEMBERSHIP

~~(1) At the time of this Agreement, Associate Membership is granted to Leeds City Council and the Metropolitan Borough of Bury.~~

~~(2)~~(1) Associate Members will be entitled to a share of dividend payments under SECTION 10(3)(ii) of this Agreement for annual levels of usage in excess of the usage level in the full calendar year immediately prior to Associate Membership being granted, in accordance with a scheme to be drawn up annually by the Management Committee.

~~(3)~~(2) Associate Members shall not receive a vote, or be entitled to attend 'in confidence' parts of Management Committee meetings.

~~(4) Associate Members will be invited to attend an annual meeting with the Executive Sub-Committee, or participate in such other means of discussion as are agreed by the Management Committee, and a report on the outcome of such discussions shall be presented to each Annual General Meeting of the Management Committee.~~

9. ORDINARY MEMBERSHIP

~~(1) All individual customer account holders shall be Ordinary Members of YPO.~~

~~(2) Ordinary Members shall be entitled to a share of dividend payments under SECTION 10(3)(iii) of this Agreement in accordance with a scheme to be drawn up annually by the Management Committee.~~

~~(3) Ordinary Members shall not receive a vote, or be entitled to attend 'in confidence' parts of Management Committee meetings.~~

10. PAYMENT OF DIVIDENDS

(1) ~~In March of~~ each year, upon receipt of the pre-audit accounts for the previous year the Management Committee shall determine the level of

dividend to be paid (if any) but any dividend so determined will not be paid until the accounts have been completed and approved by the s151 Officer.

(2) The overall dividend sum to be distributed (if any) shall be drawn from accumulated reserves, after deducting a sum which takes account of known risks, to ensure that YPO has adequate cashflow provision and remains a going concern during the forthcoming year, and after deducting the cost of any business development proposals required in consideration of the agreed strategic objectives of the business agreed by the Management Committee.

(3) The distribution formula shall contain the following elements:

- (i) A cash sum to be divided equally between the Founder Member Authorities to reflect their risk of ownership;
- (ii) A cash sum to reward usage of YPO products and services in all modes of supply (including framework contracts) by the Founder Member Authorities and Associate Members with the weightings between types of membership and modes of supply being determined by the Management Committee;

~~(iii) A sum to reward usage of Ordinary Members in the form of a credit voucher against future purchases.~~

~~(4)~~ The weightings attached to 3(i) to 3(iii) above shall be agreed annually by the Management Committee.

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11. APPOINTMENT OF STAFF

- (1) The Management Committee shall determine the size, scope and conditions of service of the Board of Directors of YPO, after receiving appropriate professional advice from the Lead Authority.
- (2) The Management Committee shall appoint annually an 'Appointments Committee' with responsibility for the appointment and disciplinary procedures of the Board of Directors, ~~and appraising the performance of the Managing Director.~~
- (3) The Board of Directors shall make arrangements to establish and appoint all other staff in accordance with the approved budget and officer delegation scheme, and to ensure that its HR policies and procedures are in accordance with best practice.
- (4) All staff shall be employed by the Lead Authority on behalf of YPO on terms and conditions agreed by the Lead Authority, subject to SECTION 11(1) of this Agreement.
- (5) The Board of Directors shall make such arrangements with Trades Unions to facilitate effective employee relations, through the periodic Joint Consultative Committee, and the Lead Authority shall be entitled to attend meetings of the Committee as it sees fit.

**Commented [GM10]:** Not currently treated as a standing committee

## 12. ASSETS

- (1) All existing and future assets shall vest in the Lead Authority in trust for the Founder Member Authorities on terms to be agreed by the Management Committee.

**Commented [GM11]:** Need to provide for conflict of interest eg flanshaw.

## 13. WITHDRAWAL OF MEMBERS

- (1) A Founder Member Authority wishing to withdraw from membership of YPO shall give to the Lead Authority at least 12 months' written notice expiring on the 31 December. A Founder Member Authority withdrawing

shall be responsible for an equal share of any deficit that is held in the accounts in the financial year of withdrawal, but shall not be entitled to any dividend payment under SECTION 10(3)(i) of this Agreement, or a share of any assets held in trust by the Lead Authority under SECTION 12(1) of this Agreement.

- (2) Associate Members under SECTION 8 of this Agreement can do so in writing without a notice period, but will not be entitled to any dividend payment under SECTION 10(3)(ii) of this Agreement for the financial year in which the withdrawal takes place.

#### 14. TERMINATION

Notwithstanding the provisions of SECTION 13(1) of this Agreement, if two thirds of the Founder Member Authorities agree, following a resolution by the Management Committee, this Agreement may be terminated on the 31 December in any year.

Commented [GM12]: Special majority

- (1) The terms of termination shall require:
  - (i) The payment of any outstanding dividend to Associate Members under SECTION 10(3)(ii) of this Agreement which would have been paid out had the termination not taken place;
  - (ii) Any accumulated deficit to be borne by the Founder Member Authorities equally;
  - (iii) Any accumulated surplus in the YPO accounts, and the realised value of any assets held in trust by the Lead Authority under SECTION 12(1) of this Agreement, to be shared equally between the Founder Member Authorities.

#### 15. AMENDMENT

- (1) If two thirds of the Founder Member Authorities agree, following a resolution by the Management Committee, this Agreement may be amended at any time upon terms agreed by the Founder Member Authorities.

Commented [GM13]: Special majority

16. LITIGATION

- (1) The institution and defence of necessary litigation by YPO arising out of the exercise of its responsibilities shall be undertaken in a representative capacity by the Lead Authority, or such other Founder Member Authority as appointed by the Lead Authority.
- (2) The Lead Authority, or such other Founder Member Authority undertaking the litigation, shall be indemnified by the Founder Member Authorities.

17. INTERPRETATION AND ARBITRATION

- (1) In applying the terms of this Agreement, all parties shall act reasonably
- (2) Where a fraction of Membership is referred to in this Agreement, this should be rounded up to the nearest whole number.
- (3) If at any time any dispute or difference shall arise between the Founder Member Authorities or any of them respecting any matters arising out of this Agreement or the meaning or effect of this Agreement or anything herein contained or the rights or liabilities of any of the Founder Member Authorities the dispute or difference shall be referred to and settled by a single arbiter to be appointed by the Founder Member Authorities but if they cannot agree to be nominated by the Local Government Association.

THE COMMON SEAL OF BARNESLEY )  
METROPOLITAN BOROUGH COUNCIL )

was hereunto affixed in the presence of: )

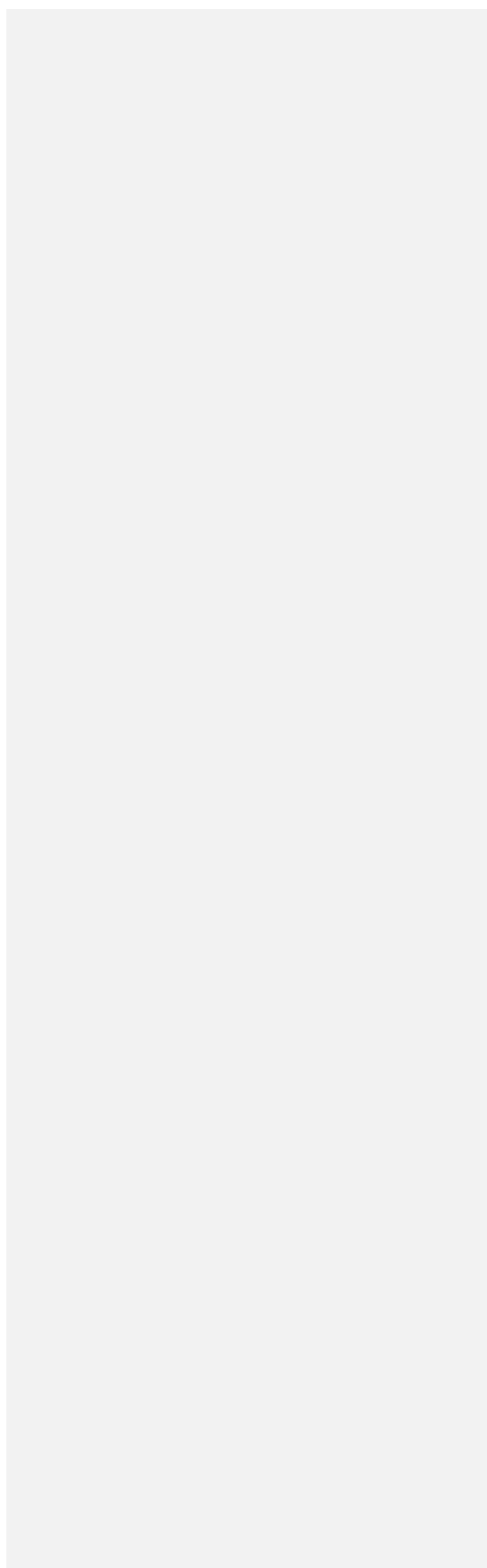
THE COMMON SEAL OF THE BOROUGH )  
COUNCIL OF BOLTON )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF THE CITY OF )  
BRADFORD METROPOLITAN DISTRICT COUNCIL )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF THE )  
BOROUGH COUNCIL OF CALDERDALE )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF DONCASTER )  
METROPOLITAN BOROUGH COUNCIL )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF THE COUNCIL )  
OF THE BOROUGH OF KIRKLEES )  
was hereunto affixed in the presence of: )



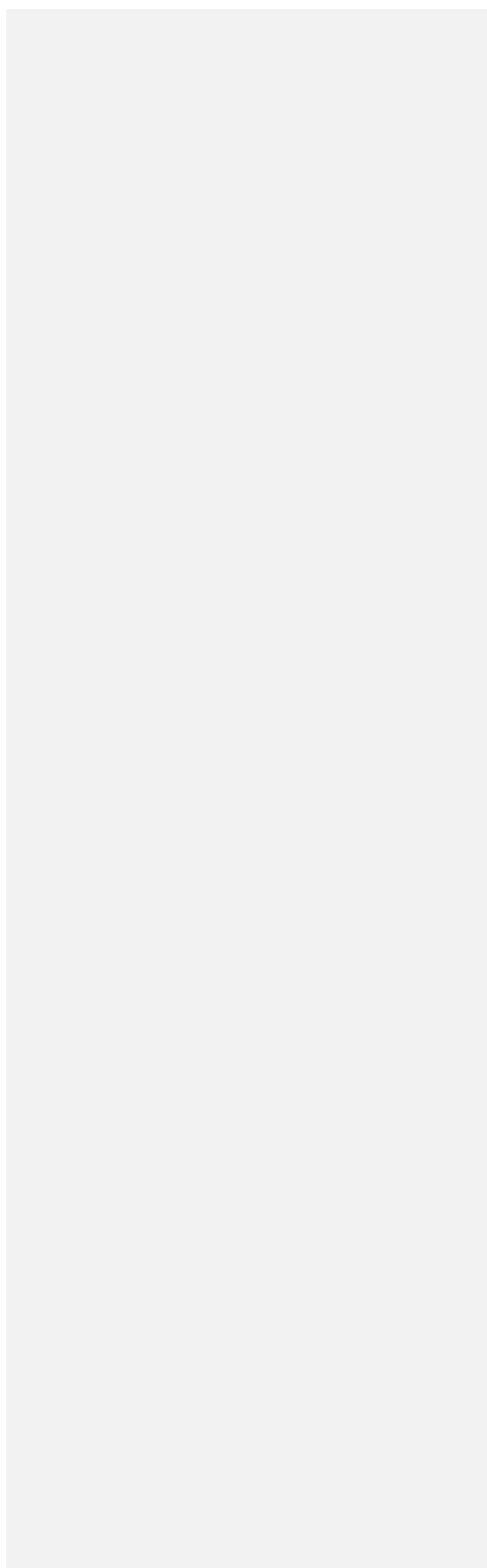
THE COMMON SEAL OF THE COUNCIL )  
OF THE KNOWSLEY METROPOLITAN )  
BOROUGH COUNCIL )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF NORTH YORKSHIRE )  
COUNTY COUNCIL )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF ROTHERHAM )  
BOROUGH COUNCIL )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF ST HELENS )  
BOROUGH COUNCIL )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF THE COUNCIL )  
OF THE CITY OF WAKEFIELD )  
was hereunto affixed in the presence of: )



THE COMMON SEAL OF WIGAN )  
BOROUGH COUNCIL )  
was hereunto affixed in the presence of: )

THE COMMON SEAL OF THE )  
COUNCIL OF THE CITY OF YORK )  
was hereunto affixed in the presence of: )

Dated 2011

The Councils of the County of North Yorkshire and the Districts of Barnsley,  
Bolton, Calderdale, Doncaster, Kirklees, Knowsley, Rotherham,  
St Helens, Wigan and the Cities of Bradford, Wakefield and York

**AGREEMENT**

Management Agreement – Yorkshire Purchasing Organisation



Service Director  
Legal & Governance  
County Hall  
WAKEFIELD  
WF1 2QW

**YPO SCHEME OF DELEGATION**

**POWERS DELEGATED TO THE MANAGING DIRECTOR BY LOCAL AUTHORITY MEMBERS OF THE JOINT COMMITTEE AND REPORTING RESPONSIBILITIES OF SENIOR MANAGERS WITHIN YPO**

- 1 The Managing Director of Yorkshire Purchasing Organisation (YPO) has authority over all other Officers of YPO so far as is necessary for the efficient management and carrying out of YPO's functions and specifically for the delivery of the strategy and business plans currently approved by members.
- 2 The Managing Director is empowered to take decisions in the name of YPO in all matters where he/she has professional or managerial responsibility and accountability, with the exception of any matters specifically reserved to the Management Committee or Sub-Committees subject to compliance with following:
  - (i) the terms of the Management Agreement in respect of the operation and management of Yorkshire Purchasing Organisation, the Standing Orders of the organisation, these delegated powers, the Standing Orders for Contracts and the Financial Procedure Rules.
  - (ii) all relevant legislation
  - (iii) any direction of the S151 Officer or Monitoring Officer, where he/she makes that direction in order to ensure that no unlawful action is taken, or that no unlawful expenditure is incurred or that no significant expenditure is incurred for which there is no budget provision.
- 3 The Managing Director is empowered to take decisions in cases of emergency in consultation with the Chairman and/or Deputy Chairman of YPO and, where appropriate, the Statutory Officers of the Lead Authority, where these would normally be reserved for the Management Committee or Sub-Committee and where it is not reasonable to require compliance with Standing Orders and other procedural requirements, although this does not authorise unlawful acts. Any such decision shall be reported to the next meeting of the Management Committee, or if no Committee meeting is scheduled within the following 28 days shall advise all members of the Management Committee of the decision taken and the background information and reasons for the decision.
- 4 The Managing Director may authorise officers of YPO to exercise powers delegated under these arrangements where the delegations fall within the scope of their job specification and they have appropriate seniority and experience. However, actions and decisions taken under his/her authority must be taken in the name of the Managing Director and remain his or her responsibility. Such officers are required to act in accordance with the general requirements of these delegation arrangements.
- 5 The Managing Director shall ensure that a formal written record and proper evidence is kept of any decision taken that may directly or indirectly materially affect the costs, income, surpluses, or overall financial position of the Organisation. Such decisions shall be deemed to be significant decisions and records should be made available to the Members of Management Committee and the Statutory Officers of the Servicing Authority as appropriate. Copies of the records shall be made available to Member Authorities of YPO on request.
- 6 The Managing Director shall use whatever lawful means he/she considers appropriate to discharge YPO's functions in an efficient and effective manner, including incurring expenditure, engaging staff, managing and deploying staff, deployment of other resources within his/her control and the procurement of other resources necessary, whether within or outside YPO. Where a YPO policy exists, the Managing Director shall comply with that policy other than in exceptional circumstances and where it is necessary to depart from such policy, he/she shall have particular regard to paragraph 8 of these delegation arrangements before taking any action.

- 7 In deciding whether or not, or how, to exercise his/her delegated powers the Managing Director shall have regard to the desirability of consulting appropriate members of the YPO and he/she shall refer matters to the Management Committee or Executive Sub-Committee for decision where he/she considers it necessary or expedient to do so. This consideration should particularly apply to any business activity which, while falling within the Managing Director's delegated powers, may have reputational or political implications for member authorities. The Managing Director shall keep the Statutory Officers of the Lead Authority informed as appropriate.
- 8 Where statutory licences, necessary to carry out YPO's commercial activities are held by the Lead Authority, day to day operational decisions under these licences shall be delegated to the Managing Director of YPO.
- 9 If there is any disagreement between the Managing Director and the S151 Officer or the Monitoring Officer, the Chief Executive of the Lead Authority shall make a recommendation to Management Committee of the proper way to deal with the disagreement and may call a special meeting of Management Committee, where he/she deems this necessary after consultation with the Chair of the Management Committee.
- 10 Changes to the Managing Director's terms and conditions (including his/her salary) shall be approved by the Chief Executive of the Lead Authority in consultation with the Chair of Management Committee or be referred to Management Committee for approval at the Chief Executive's discretion, following consultation with the Chair.
- 11 Reporting responsibilities of Senior Managers within YPO:
  - (i) The Executive Director, Finance has responsibility for reporting to the S151 officer of the Lead Authority any actual or suspected financial impropriety and any occasions where he/she believes that the actual or predicted annual outturn is not/may not be in line with the budget or there are any significant changes in predicted income or expenditure for the year or any significant risk of such changes. It is acknowledged that the Executive Director, Finance will meet regularly with the S151 officer or his/her nominee to discuss financial matters relating to YPO and that the Executive Director, Finance is required to provide to him/her any information that he/she reasonably requires to enable him/her to have oversight of the financial position of YPO.
  - (ii) All members of the Board and the Senior Leadership Team have responsibility for reporting to the Section 151 Officer or the Monitoring Officer of the Lead Authority any actual or suspected unlawful activity or breach or threatened breach of YPO's Rules and Procedures, if he/she considers that this is not being addressed by the Managing Director. Where a member of the Board or an officer of the Senior Leadership Team considers that such action may threaten his/her employment within YPO, he/she may ask that his/her disclosure be treated in confidence so far as this is consistent with the Lead Authority dealing with the issue that is the subject of the disclosure. The Section 151 Officer or the Monitoring Officer shall have the authority to arrange for any allegations to be investigated and the Managing Director may not take any action to discipline the Board member or officer making the disclosure or take any other steps that would affect that officer's tenure and rights within the organisation without the agreement of the Statutory Officer. If either Statutory Officer determines that the allegation is ill-founded and made in bad faith, he/she may decline to investigate the allegations or to have any further involvement in the matter.

## STANDING ORDERS OF THE YORKSHIRE PURCHASING ORGANISATION

### 1 ANNUAL MEETING OF THE MANAGEMENT COMMITTEE

#### 1.1 Timing and Business

The Annual Meeting will take place on a date agreed

by the Management Committee

~~in June~~. The Annual Meeting will:

- (i) Elect a person to preside as Chair and Vice Chair of the Management Committee until the next Annual Meeting;
- (ii) Approve the minutes of the previous meeting;
- (iii) Receive any declarations of interest;
- (iv) Receive any announcements from the Chair;
- (v) Approve a programme of ordinary meetings of the Management Committee for the ensuing year;
- (vi) Receive the Annual Report of the Managing Director of the Yorkshire Purchasing Organisation;
- (vii) Deal with appointment of Members to any sub-committees;
- (viii) Consider the distribution of trading profits;
- (ix) Approve the Statement of Accounts of the Yorkshire Purchasing Organisation (subject to any amendments in regard to (vii) above);
- (x) Consider any other business set out in the notice convening the meeting.

### 2 ORDINARY MEETINGS OF THE MANAGEMENT COMMITTEE

#### 2.1 Timing and Business

Ordinary meetings will take place in accordance with the programme determined by the Annual Meeting. There will be no fewer than one other three ordinary meetings unless otherwise determined by the Annual Meeting or a Special Meeting is convened.

Ordinary meetings will:

- (i) Elect a person to preside if the Chair and Vice Chair are not present;
- (ii) Approve the minutes of the previous meeting and note the minutes of any Sub-Committees referred to the Management Committee;
- (iii) Receive any declarations of interests;
- (iv) Receive any announcements from the Chair;
- (v) Receive reports from the Managing Director of the Yorkshire Purchasing Organisation and relevant officers of the Lead Authority and District Auditor;
- (vi) Consider any item requested by a Founder member with the consent of the Chair or by at least 3 Founder members acting together motions; and
- (vii) Consider any other business set out in the notice convening the meeting.

### 3 SPECIAL MEETINGS

#### 3.1 Calling Special Meetings

Those listed below may request the Secretary to the Joint Committee to convene a special meeting of the Management Committee:

- (i) Chair;
- (ii) One Member Authority ~~by~~with a ~~written~~ request signed by the respective Chief Executive and addressed to the Secretary of the Joint Committee;
- (iii) The Monitoring Officer or ~~at the request of~~ the S151 Officer.

3.2 The notice of the Special Meeting will set out the business to be considered and no other business other than the items set out in Paragraph 2(ii) – (v) will be considered, unless there are any urgent matters that will not wait until the next scheduled meeting.

### 4 CHAIR OF MEETING

At any meeting of the Management Committee the Chair will preside. If the Chair is absent then the Vice Chair will preside. If both the Chair and Vice Chair are absent such Member as the Members present choose will preside. The person presiding at the meeting will exercise any power or duty of the Chair.

### 5 QUORUM

The quorum of a meeting will be one third of the whole number of the Member Authorities of the Management Committee. If during any meeting it appears that there may not be a quorum present the Secretary of the Joint Committee shall call out the names of the Member Authorities of the Management Committee and if it should so appear the Chair shall declare the meeting at an end and the names of those who are present and of those absent will be recorded in the minutes.

### 6 SUB-COMMITTEES

6.1 The terms of reference of any Sub-Committees will be determined by the Management Committee or delegated to the first meeting of each Sub-Committee.

6.2 Appointments of a Chair and Vice-Chair to any Sub-Committees will be made by the Management Committee.

6.3 Sub-Committees will determine their own programme of meetings but a Special Meeting of any Sub-Committee may be convened at any time on request by the Chair, by a Member Authority joint with a request signed by the respective Chief Executives and addressed to the Secretary of the Joint Committee or by the Monitoring Officer or S151 Officer. The notice of the Special Meeting will set out the business to be considered and no other business other than the items set out in Paragraph 2(ii) – (v) will be considered, unless there are any urgent matters that will not wait until the next scheduled meeting.

6.4 One quarter of the whole number of Member Authorities of a Sub-Committee will form a quorum unless a quorum is agreed by Management Committee. In all cases a quorum will comprise not less than two Member Authorities.

6.5 The Chair and Vice-Chair of the Management Committee will be ex officio members of any Sub-Committee, except the Audit Sub-Committee.

## 7 QUESTIONS BY MEMBERS

7.1 A Member may ask any question without notice concerning an item of business when that item is being received or under consideration by the Management Committee.

7.2 An answer may take the form of:

- (i) A direct oral answer;
- (ii) Where the desired information is in a publication, a reference to that publication; or
- (iii) Where a reply cannot conveniently be given orally, a written answer circulated later to the questioner and to the other members of the Committee.

## ~~8 MOTIONS OF NOTICE~~

~~8.1 Except for motions which can be moved without notice under Paragraph 9, written notice of every motion, signed by one or more of the Member Authorities, must be delivered to the Secretary of the Joint Committee not later than seven clear working days before the date of the meeting.~~

~~8.2 Motions for which notice has been given will be listed on the agenda of the Management Committee in the order in which notice has been received, unless the Member Authority or Member Authorities giving notice state, in writing, that it is proposed to move it to a later meeting or withdraw it.~~

~~8.3 Motions must be about matters for which the Management Committee has a responsibility.~~

## ~~9 MOTIONS WITHOUT NOTICE~~

~~9.1 The following motions may be moved without notice:~~

- ~~(i) To appoint a Chair of the meeting at which the motion is moved;~~
- ~~(ii) In relation to the accuracy of the minutes;~~
- ~~(iii) To change the order of business on the agenda;~~
- ~~(iv) To refer something to an appropriate body or individual;~~
- ~~(v) To appoint a Sub-Committee arising from an item considered at a Management Committee Meeting;~~
- ~~(vi) To withdraw a motion;~~
- ~~(vii) To amend a motion;~~
- ~~(viii) To proceed to the next business;~~
- ~~(ix) That the question be now put;~~
- ~~(x) To adjourn a debate;~~
- ~~(xi) To adjourn a meeting;~~
- ~~(xii) To suspend a particular Standing Order;~~
- ~~(xiii) To exclude the public and press in accordance with the Access to Information requirements set out in Paragraph 18.~~

## ~~10 RULES OF DEBATE~~

~~10.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.~~

~~10.2 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.~~

~~10.3 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.~~

~~10.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.~~

~~10.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:~~

- ~~(a) To speak once on an amendment moved by another member;~~
- ~~(b) To move a further amendment if the motion has been amended since he/she last spoke;~~
- ~~(c) If his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);~~
- ~~(d) In exercise of a right of reply;~~
- ~~(e) On a point of order; and~~
- ~~(f) By way of personal explanation.~~

~~10.6 (a) An amendment to a motion must be relevant to the motion and will either be:~~

- ~~(i) To refer the matter to an appropriate body or individual for consideration or reconsideration;~~
- ~~(ii) To leave out words;~~
- ~~(iii) To leave out words and insert or add others; or~~
- ~~(iv) To insert or add words.~~

~~As long as the effect of (ii) to (iv) is not to negate the motion.~~

- ~~(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.~~
- ~~(c) If an amendment is not carried, other amendments to the original motion may be moved.~~
- ~~(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.~~
- ~~(e) After an amendment has been carried, the Chair or an officer nominated by the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.~~

~~10.7 (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.~~

~~(b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.~~

~~(c) Only alterations which could be made as an amendment may be made.~~

~~10.8 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.~~

~~10.9 (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.~~

~~(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.~~

~~(c) The mover of the amendment has no right of reply to the debate on his/her amendment.~~

~~10.10 When a motion is under debate, no other motion may be moved except the following procedural motions:~~

~~(a) To withdraw a motion;~~

~~(b) To amend a motion;~~

~~(c) To proceed to the next business;~~

~~(d) That the question be now put;~~

~~(e) To adjourn a debate;~~

~~(f) To adjourn a meeting;~~

~~(g) To exclude the public and press in accordance with the Access to Information requirements set out in Paragraph 18.~~

~~10.11 (a) A Member may move, without comment, the following motions at the end of a speech of another member:~~

~~(i) To proceed to the next business;~~

~~(ii) That the question be now put;~~

~~(iii) To adjourn a debate; or~~

~~(iv) To adjourn a meeting;~~

~~(b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.~~

~~(c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.~~

~~(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without given the mover of the original motion the right to reply.~~

~~10.12 A Member may raise a point of order at any time. The Chair will hear him/her immediately. A point of order may only relate to an alleged breach of the Standing Orders or the Law. The Member must indicate the Standing Order or law~~



~~and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.~~

~~10.13 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.~~

~~10.14 Subject to the right of the statutory officers to speak on matters relating to their duties Members may determine at any meeting whether or not officers shall be entitled to speak and the extent to which they may speak.~~

#### **418 PREVIOUS DECISIONS AND MOTIONS**

~~41.18.1~~ A ~~proposal~~~~motion or amendment~~ to rescind a decision made at a meeting of the Management Committee within the past six months cannot be moved unless the notice of motion is signed by at least three Member Authorities.

~~41.28.2~~ A ~~proposal~~~~motion or amendment~~ in similar terms to one that has been rejected at a meeting of the Management Committee in the past six months cannot be moved unless the notice of motion or amendment is signed by at least three Member Authorities. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### **429 VOTING**

~~42.19.1~~ Unless otherwise provided by these Standing Orders any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put. Member Authorities are entitled to one vote each.

~~42.29.2~~ If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

~~42.39.3~~ Subject to Standing Order 12.4 and 12.5 the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

~~42.49.4~~ The vote will take place by ballot if two Member Authorities present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

~~42.59.5~~ If three Member Authorities present at that meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

~~42.69.6~~ Where any Member Authority requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

~~42.79.7~~ If there are more than two Members nominated for any position to be filled and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

#### **4310 MINUTES**

~~43.110.1~~ The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

43.210.2 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

**4411 RECORD OF ATTENDANCE**

44.411.1 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

44.211.2 All Officers present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

**4512 EXCLUSION OF PUBLIC**

45.412.1 The public and press may only be excluded in accordance with the Access to Information requirements in Paragraph 158 of these Standing Orders or in the event of disturbance in the conduct of the meeting.

**4613 SUSPENSION AND AMENDMENT OF STANDING ORDERS**

46.413.1 Any of these Standing Orders except Standing Order 158 may be suspended by motion on notice or without notice if at least one half of the whole number of the Member Authorities of the Management Committee are present. Suspension can only be for the duration of the meeting.

46.213.2 Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded stand adjourned, without discussion to the next ordering meeting of the Management Committee.

**4714 APPLICATION TO SUB-COMMITTEES**

47.414.1 These Standing Orders will apply as appropriate to meetings of Sub-Committees.

**4815 ACCESS TO INFORMATION STANDING ORDERS**

**48.415.1 SCOPE**

These provisions shall apply to all meetings of the Management Committee and Sub-Committees as appropriate.

**48.215.2 ADDITIONAL RIGHTS TO INFORMATION**

These provisions do not affect any more specific rights to information provided by legislation or common law.

**48.315.3 RIGHTS TO ATTEND MEETINGS**

The public and press may attend all meetings of the Management Committee subject only to the exceptions in these Standing Orders.

**48.415.4 NOTICES OF MEETINGS**

The Management Committee will give at least five clear days' notice of any meeting by posting details of the meeting at County Hall, Bond Street, Wakefield and each Member Authority will receive a copy of that notice.

**48.515.5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Secretary to the Joint Committee will make copies of the agenda and reports open to the public available for inspection at County Hall, Bond Street, Wakefield at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out) will be open to inspection from the time the item was added to the agenda and the Secretary to the Management Committee shall make each such report available to the public as soon as the report is completed and sent to Members.

**48.615.6 SUPPLY OF COPIES**

The Secretary to the Management Committee will supply copies of:

- (a) Any agenda and reports which are open to public inspection;
- (b) Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) If the Secretary to the Management Committee thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage and any other costs.

**48.715.7 ACCESS TO MINUTES, ETC AFTER THE MEETING**

The Management Committee will make available copies of the following for six years after a meeting:

- (a) The minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) The agenda for the meeting; and
- (d) Reports relating to items when the meeting was open to the public.

**48.815.8 EXCLUSION OF ACCESS**

**48.915.9** Where the Management Committee are considering matters which can be regarded as confidential or exempt information then the Management Committee will be required to consider the need to exclude the public and the press.

**48.1015.10** The public and press must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

**48.1115.11** The public and the press may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public and the press be admitted unless a private hearing is necessary for one of the reasons specified in Article 6.

48-1215.12 Confidential information means information given to the Management Committee by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

48-1315.13 Exempt information means information falling within the following seven categories (subject to any condition):

Category	Condition
1 Information relating to any individual	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2 Information which is likely to reveal the identity of an individual	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt information if it is required to be registered under:-  (a) The Companies Act 1985;  (b) The Friendly Societies Act 1974;  (c) The Friendly Societies Act 1992;  (d) The Industrial and Provident Societies Act 1965 to 1978;  (e) The Building Societies Act 1986; or  (f) The Charities Act 1993  Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

6 Information which reveals that the Authority proposes:-	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or	
(b) To make an order or direction under any enactment	
7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

~~18.44~~~~15.14~~ Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

~~18.45~~~~15.15~~ Information which falls within any of Paragraphs 1 to 7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (The "Public Interest Test").

~~19~~~~16~~ **ASSOCIATE MEMBERS**

~~19.116.1~~ Standing Orders 1, 2, 7, 10, 13, 14 and 18 will apply to Associate Members except that in relation to Standing Orders 2 and 10 a Member representing an Associate Member cannot move or second a motion.

**Commented [GM1]:** Cross referencing to be updated

~~20~~ **COMMITTEE REPORTS**

~~20.1~~ Committee Reports shall be in Font Size 12 as a minimum and contain the following information in clearly marked paragraphs:

- ~~Background information~~
- ~~Recommendations~~
- ~~Reasons for recommendations~~
- ~~Options appraisal if appropriate~~
- ~~Strategic implications~~
- ~~Consultation (if appropriate)~~
- ~~Resources implications~~

~~17~~ A formal written record shall be kept of significant delegated decisions made by officers.

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~~24~~~~18~~ **22 INTERPRETATION**

22.1 The decision of the Chair of the meeting on the construction of any Standing Order or any question of an Order not provided for by the Standing Order shall be final.

22.2 The reference in these Standing Orders to Member/Members is a reference to the appointed representatives of the member Authorities of the Yorkshire Purchasing Organisation.

22.3 For 'Associate Members' see Paragraph 3(ii) of the Agreement in respect of the operation and management of YPO.

**PRINCIPAL AGENDA ITEMS 2022-2023**

**MANAGEMENT COMMITTEE AGENDA**

**July (AGM)**

Membership of the YPO Management Committee  
Appointment to Sub Committee & Joint Consultative Committee  
Terms of Reference & Work Programme  
Lead Authority Issues  
Business Update  
Dividend Distribution  
Annual Report  
Formally Approve Statement of Accounts  
Report of Independent Director

**November**

Business Update  
Budget & Business Plan  
Lead Authority Issues  
Report of Independent Director

**AUDIT & GOVERNANCE SUB COMMITTEE AGENDA**

**July**

Internal Audit Annual Report  
External Audit Report  
Internal Audit Plan  
Audited Accounts  
Treasury Outturn Report  
Policies & Procedures Review

**November**

Internal Audit Action Update  
External Audit Update  
Annual Governance Statement  
Yearend Closedown Timetable  
Risk Register

*The above are the proposed agenda items; however, Members may request specific additional reports at any time throughout the committee cycle where they feel it necessary.*



**MEMBER AUTHORITY ENGAGEMENT/GOVERNANCE SCHEDULE  
2022/2023 MUNICIPAL YEAR**

<b>Date of Meeting</b>	<b>Directors Team Meeting</b> <i>Inc S151 / Monitoring Officer</i>	<b>Board Meeting</b> <i>Inc Independent Director</i>	<b>Member Authority Finance Directors Forum</b>	<b>Member Authority Chief Exec Forum</b>	<b>Member Authority Procurement Forum</b>	<b>Audit &amp; Governance Committee</b> <i>Inc Independent Director</i>	<b>Joint Consultative Committee</b>	<b>Management Committee</b> <i>Inc Independent Director</i>
<b>August</b>								
	2/8/22	23/8/22						
<b>September</b>								
	6/9/22	27/8/22		22/09/22				
<b>October</b>								
	4/10/22	18/10/22	20/10/22		25/10/22			
<b>November</b>								
	1/11/22	22/11/22				04/11/22	25/11/22	25/11/22
<b>December</b>								
	6/12/22	15/12/22						
<b>January</b>								
	03/01/23	24/01/23						
<b>February</b>								
	07/02/23	28/02/23	23/02/23		22/02/23			
<b>March</b>								
	07/03/23	28/03/23						
<b>April</b>								
	04/04/23	25/04/23		20/04/23				
<b>May</b>								
	02/05/23	23/05/23						
<b>June</b>								
	06/06/23	27/06/23	22/06/23		21/06/23			
<b>July</b>								
	04/07/23	25/07/23				07/07/23	21/07/23	21/07/23

**Yorkshire Purchasing Organisation**

**Management Committee Terms of Reference 2022/23**

**Number of Members**

Thirteen Councillors – One from each Member Authority

**Quorum**

Member representation from at least five Member Authorities.

**Substitutes**

One agreed named substitute per authority is allowed.

**Frequency of Meetings**

A minimum of twice per annum.

Suggested duration: Max 2 hours (10:30am – 12:30pm)

**Remit**

1. To approve and keep under review a long term plan setting out the strategic direction of YPO.
2. To consider, approve and keep under review Standing Orders, Financial Procedure Rules and the Officer Delegation Scheme prior to subsequent approval by Member Authorities, and to carry out such actions as are required by these rules.
3. To provide leadership for Risk Management across YPO and ensure Risk Management is used as a strategic and operational tool.
4. To keep under review the method of distributing annual dividends, and decide annually on the amount and timing of dividend distribution.
5. To periodically review the membership of YPO.
6. To appoint annually at the Annual General Meeting an Audit & Governance Sub-Committee and a Joint Consultative Committee and receive minutes or reports from them highlighting any areas that require action by the Management Committee.
7. To seek assurances from the sub-committees that YPO is acting with all due care and attention.
8. All Members of the Management Committee shall sit on the 'Appointments Committee' with responsibility for the appointment and disciplinary procedures of the Board of Directors and appraising the performance of the Managing Director.



**Yorkshire Purchasing Organisation**

**Audit & Governance Sub-Committee Terms of Reference 2022/23**

**Number of Members**

7 Councillors, but not the Chair or Vice Chair of the Management Committee.

**Frequency of Meetings**

A minimum of twice per annum, to be scheduled approximately one month prior to Management Committee meetings (10:30am – 12pm)

**Quorum**

Member representation from at least three Member Authorities.

**Substitutes**

One agreed named substitute per authority is allowed.

**Remit**

1. To ensure that the highest standards of probity and public accountability are demonstrated and in doing so ensure effective governance of YPO.
2. To consider internal audit plans and performance to ensure the work of internal audit is planned and carried out with due regard to major risks, areas of significant financial effect and the need to cover the range of the service, and to challenge and review actions taken by senior managers on significant audit recommendations.
3. To consider the external audit work programme and monitor the implementation of significant external audit recommendations.
4. To review annually its terms of reference and report any additions and amendments to the Management Committee.
5. To provide an update to management committee on the activities of the committee activity by way of meeting minutes and responses to any matters arising.

**To act with delegated authority of the Management committee in respect of:**

1. To approve the annual governance statement to the Management Committee for inclusion in the annual statement of accounts, and review the implementation of any audit recommendations arising from the final accounts audit
2. On behalf of the Management Committee provide reasonable assurance of the efficient and effective operation of the overall internal control environment within YPO, through a systematic appraisal of its framework of internal controls, processes and data quality.
3. To ensure that an appropriate risk management strategy has been drawn up and to monitor that risk management procedures are being carried out effectively, including the establishment of a reserves policy.

4. To ensure the effectiveness of decisions made by YPO by means of conducting scrutiny reviews in accordance with both an approved programme and on an ad-hoc "call in" basis.
5. To carry out reviews requested by the Management Committee.
6. In conducting reviews receive evidence and call witnesses as appropriate for each review so as to determine how decisions were made, on what basis were they made, if appropriate account of options and risks were considered, if the decisions made reflected original statements of intent and if decisions were made in a timely fashion and if they were made in the best interests of YPO and in accord with YPO's public accountability and code of corporate governance.

**Yorkshire Purchasing Organisation**

**Joint Consultative Committee Terms of Reference 2022/23**

**Number of Members**

- Five Councillors (including the Chair and Vice Chair of the Management Committee) drawn from different member authorities.
- The Chair and Secretary of the YPO branch of UNISON.
- The UNISON Regional Organiser responsible for liaising with YPO.

**Frequency of Meetings**

A minimum of twice per annum, on the same day as Management Committee meetings (9:30am – 10:30am)

**Quorum**

Two Councillors and two Trade Union officials.

**Substitutes**

One agreed named substitute per authority is allowed.

**Remit**

1. To represent and co-ordinate the views locally of UNISON and Members of the YPO Management Committee on issues of common interest in relation to YPO.
2. To raise issues, make recommendations and reach agreement on issues which have an effect on the employees of YPO, but without binding effect on either party.
3. To monitor and challenge the outputs of any employee satisfaction survey.
4. To promote the well-being of employees and monitor and challenge matters related to sickness and attendance.
5. To promote, challenge and monitor YPO's actions in relation to it being an employer of choice and its public sector equality duties.
6. To review annually its terms of reference and report any additions and amendments to the Management Committee.
7. To provide an update to Management Committee on any matters arising which warrant a wider discussion.

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**Full Council****20 July 2023**

Report of the Director of Governance  
(Portfolio of the Executive Leader)

**Independent Remuneration Panel****Summary**

1. This report sets out proposed appointees to the Council's Independent Remuneration Panel, following a full interview and recruitment process, and seeks Council's approval to appoint those individuals, in line with statutory requirements.

**Recommendations**

2. To approve the appointment of the following individuals to the Independent Remuneration Panel, in order to establish a Panel of 3 to undertake the work of reviewing allowances and entitlements given to elected Members:

Mr David Dickson  
Ms Elizabeth Heaps  
Ms Lucy Shaw

Reason: To comply with statutory requirements for an independent review of allowances and entitlements for Councillors following their election to the Council.

**Background**

3. The Council must make arrangements for the allowances it pays to its Councillors to be independently reviewed in accordance with statutory arrangements for doing so.
4. Following a full advertising and recruitment process, 3 candidates for appointment to the Panel have been identified for Council's approval, as set out the recommendations at paragraph 2 above.

## **Consultations**

5. No consultations were required in the process to date.

## **Options**

6. The Council can decide to appoint the candidates to the Panel, or to not appoint the candidates and to readvertise.

## **Analysis**

7. If Council chooses not to appoint one or more of the proposed candidates, a further recruitment exercise will be required, with any potential new proposed appointees being reported to a future meeting of Full Council. This would lead to a consequential delay in a review of allowances being undertaken.
8. If Council proceeds with the appointment of the identified candidates, it is envisaged that the Panel will commence its review work from August 2023.
9. The minimum membership for the Panel is three. Of the candidates recommended for appointment, two already have considerable previous experience of working on the Independent Remuneration Panel in York.

## **Council Plan and Policy Framework**

10. There are no implications for the Council Plan or Policy Framework.

## **Implications**

11. **Legal:**  
Failure to appoint independent persons will give rise to a delay in the Council discharging its duty to regularly review Members' remuneration through an Independent Panel.

## **Risk Management**

12. In addition to the legal implications, should there be a delay the appointment of individuals to the IRP there could be a

consequential reputational risk to the Council in the resulting delay of starting the review of its allowances.

**Contact Details**

**Author: Dawn Steel**

**Chief Officer Responsible for the report: Bryn Roberts**

**Job Title: Head of Democratic & Scrutiny Services**

**Job Title: Director of Governance**

**Dept Name: Governance**

**Report Approved**  Yes **Date** 12/7/23

**Specialist Implications Officer(s)** Frances Harrison, Head of Legal Services

**Wards Affected:** List wards or tick box to indicate all **All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

None

**Abbreviations used in this report**

None

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**Full Council****20 July 2023**

Report of the Director of Governance  
(Portfolio of the Executive Leader)

**Independent Person – Audit & Governance Committee****Summary**

1. This report seeks Council's approval to provisionally extend the term of office of the currently appointed independent person on the Audit & Governance Committee for a further 2 years.

**Recommendations**

2. To extend the current term of office of the Independent Person (Mr Joe Leigh) appointed to Audit & Governance Committee for a further 2 years on the proviso that Mr Leigh provide up to 3 months' notice should he wish to resign from the office.

Reason: To ensure continuity of office for the immediate future.

**Background**

3. Mr Leigh was initially appointed to the role of Independent Person for 1 year on the basis that his primary commitment to the Council was as an Independent Person sitting on Joint Standards Committee and performing both roles was a significant time commitment. Although supporting Joint Standards Committee remains Mr Leigh's main objective, he has kindly agreed to retain his position on Audit & Governance Committee for a further 2 years, subject to Council approval.
4. It should be noted that Mr Leigh is under no obligation to complete this term, however, and may choose to resign at any point in time, as can any other appointed independent person. However, Mr Leigh has kindly indicated that he will give 3 months' notice should he wish to resign.

5. There remains one outstanding vacancy for a second independent person on Audit & Governance Committee, which the Council will seek to fill as soon as possible.

### **Consultations**

6. The Council is now being consulted on the proposed extension to Mr Leigh's appointment.

### **Options**

7. The Council can decide to extend Mr Leigh's appointment or not.

### **Analysis**

8. If Council chooses not to extend Mr Leigh's appointment, that will leave 2 full vacancies for independent persons on the Committee, which the Council would need to seek to fill.

### **Council Plan and Policy Framework**

9. The Council is currently putting together its new Council Plan to support the work of the newly elected Administration moving forward. Securing independent persons on specific Committees meets legislative guidance or good practice and helps Councillors to fulfil their objectives whilst having their practices robustly challenged and reviewed.

### **Implications**

10. There are no known other implications arising from the recommendations in the report other than legal requirements relating to the statutory appointment of independent persons.

### **Risk Management**

11. If the Council do not appoint an Independent Persons to Audit & governance Committee, it would fail to meet good practice requirements relating to independent challenge surrounding its governance arrangements.

**Contact Details**

**Author: Dawn Steel**

**Chief Officer Responsible for the report: Bryn Roberts**

**Job Title: Head of Democratic & Scrutiny Services**

**Job Title: Director of Governance**

**Dept Name: Governance**

**Report Approved**

**Date** 12/7/23

**Specialist Implications Officer(s)** Frances Harrison, Head of Legal Services

**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

None

**Abbreviations used in this report**

None

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**Appointments and Changes to Membership of Committees,  
Working Groups and Outside Bodies 2022-23**

Reserve Forces and Cadets Association for Yorkshire and the  
Humber Health & Wellbeing Board

To appoint Cllr Rowley BEM  
To appoint Cllr Healey as substitute.

Tees, Esk & Wear Valley NHS Trust

To appoint Cllr Douglas, in place of Cllr Ayre  
To appoint Cllr Steels-Walshaw as substitute

York Museums Trust

To appoint Cllr Crawshaw, in place of Cllr Widdowson.

Foss Internal Drainage Board

To appoint:

- Cllr Fisher (in his capacity as a member of Strensall PC)
- Cllr Warters (in his capacity as a member of Osbaldwick PC)
- Parish Councillor Martin Lumley Holmes (Earswick PC)
- Parish Councillor Sian Wiseman (Earswick PC)

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