

**Notice of a public meeting of
Executive**

To: Councillors Storey (City of York Council), Douglas (Chair), Kilbane (Vice-Chair), Coles, Kent, Lomas, Pavlovic, Ravilious and Webb

Date: Thursday, 9 May 2024

Time: 5.30 pm

Venue: West Offices - Station Rise, York YO1 6GA

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any decisions made on items* on this agenda, notice must be given to Democratic Services by **4:00 pm on Thursday, 16 May 2024**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

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:*

Type of Interest	You must
<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> OR <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> OR <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 interest or well-being 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 otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.</i>

- (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. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annexes A and B to Agenda Item 11 on the grounds that it contains information relating to Information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 1 - 12)

To approve and sign the minutes of the Executive meeting held on 18 April 2024.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Executive.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 7 May 2024.

To register to speak please visit 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.

Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

5. Forward Plan (Pages 13 - 16)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

6. Building a smokefree generation in York: approving use of the Local Stop Smoking Services and Support Grant (Pages 17 - 38)

This report will give an overview of how the council intends to utilise new resource from the Section 31 Local Stop Smoking Services and Support Grant 2024-2025 grant, where the city has been allocated an initial £196,000 from Department of Health and Social Care to be spent on reducing smoking in York in 2024/2025, with grant expected to continue each year until 2028/2029.

7. Update to Joint Committee Governance Arrangements for the Yorkshire Purchasing Organisation (“YPO”) (Pages 39 - 110)

This report is to seek approval from Executive to sign a revised Management Agreement which sets out the governance arrangements for the YPO Joint Management Committee following a review of governance and recommendations for approval from the YPO Management Committee.

8. Future Resettlement Pathway – Building Independence (Pages 111 - 138)

This report seeks Executive approval to expand the current in-house service to incorporate the services in the scope of the Adult Community Wellbeing Support Service contract, with smaller commissioned work packages where needed and to agree the principles of a new Resettlement pathway and develop a Homelessness and Rough Sleeping strategy to be reported to

a future meeting of the Executive.

Annex C Equalities Impact Assessment (EIA) to Follow.

9. Gypsy and Traveller Action Plan (Pages 139 - 188)

This report seeks to pull together several existing workstreams into a cohesive new plan for the city. It identifies progress to date alongside a Gypsy and Traveller Action plan for the coming 12 months

10. LGA Peer Challenge – report, recommendations and action plan

Reports to follow.

11. Veritau Assurance Limited – Creation of New Audit & Assurance Company Limited by Guarantee (Pages 189 - 230)

This report is for the Executive to consider the establishment of a brand new Teckal company limited by guarantee, for the continued provision of audit and assurance services to the Council of the City of York (“CYC”), North Yorkshire Council (“NYC”), Middlesbrough Council (“MC”), and Redcar and Cleveland Borough Council (“RBCB”) (and potentially other local authority members in due time).

12. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Robert Flintoft

Contact details:

- Telephone – (01904) 555704
- E-mail – Robert.flintoft@york.gov.uk

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

- Registering to speak
- 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 (Polish)
własnym języku.**

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

Committee Minutes

Meeting	Executive
Date	18 April 2024
Present	Councillors Douglas (Chair), Kilbane (Vice-Chair), Coles, Kent, Lomas, Pavlovic and Webb
In Attendance	Councillor Ayre
Officers in Attendance	Ian Floyd – Chief Operating Officer Debbie Mitchell – Chief Finance Officer Frances Harrison – Head of Legal Sara Storey - Corporate Director of Adult Services and Integration Peter Roderick – Director of Public Health Pauline Stuchfield - Director of Customer & Communities Claire Foale - Assistant Director Policy and Strategy Laura Williams – Assistant Director of Customer & Communities Michael Jones - Head of Housing Delivery and Asset Management Abid Mumtaz - Head of Commissioning Anthony Dean - Healthy and Sustainable Homes Manager
Apologies	Councillor Ravilious

111. Declarations of Interest (17:31)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable 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. None were declared.

112. Minutes (17:31)

Members considered the minutes of the Committees previous meeting and agreed to clarify within the minutes that Cllr Ayre

currently worked for a for a Healthwatch contract provider in Bradford.

Resolved: That the minutes of the Executive meeting held on 14 March 2024 be approved and then signed by the Chair as a correct record, with the [amendment/additional wording] clarifying that Cllr Ayre Currently worked for a Healthwatch contract provider in Bradford.

113. Public Participation (17:32)

It was reported that there had been 1 registration to speak at the meeting under the Council's Public Participation Scheme.

Cllr Hollyer spoke on ward funding models and asked that the Executive select either option G or H. He stated that model A due to different population size per ward, would not provide the most funding to some of the wards with the highest levels of deprivation.

114. Forward Plan (17:34)

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

115. Advertising contract (18:07)

The Assistant Director of Policy and Strategy introduced the report and confirmed that a confidential independent market appraisal had been undertaken and had provided the value of the advertising which worked as the basis for direct negotiation. It was confirmed that the new contract would cover bus shelters and free standing electronic advertising boards, these boards would be subject to planning approval. The Director of Public Health explained the proposal for the new advertising policy which would restrict the advertising of high fat/high sugar products. This change would he noted should assist in tackling unhealthy weight predominantly in children who are particularly affected by advertising.

The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality, and Inclusion welcomed the report and noted that the estimated revenue was a conservative estimate and following officer negotiation with the provider could be higher. She confirmed that any digital advertising boards would be subject to planning and would be considered by the Council's Access Officer to ensure accessibility.

The Executive Member for Health, Wellbeing and Adult Social Care confirmed that unhealthy weight figures for children was going in the wrong direction. She confirmed that the advertising policy was not about stopping people from doing something but how the Council uses its space and that the Executive would be led by officer advice on health.

Resolved:

- i. Noted the independent market appraisal and the potential revenue opportunities from place-based advertising:

Reason: Understanding the potential value of advertising opportunities across the council's estate and assets to realise maximum revenues, recognising that by doing so there will be a necessary change from analogue to digital advertising, to keep up with market demand and recognise increased revenue opportunities.

- ii. Approved the direct award of a new 15-year (plus a possible 1-year extension) bus shelter advertising and digital free standing unit concession contract to JC Decaux and delegate authority to negotiate and conclude the new concession contract (and the provisions of any subsequent modifications and/or extensions thereto) to the Director of Governance in consultation with the Head of Procurement and the Director of Public Health:

Reason: The bus shelter and digital information board contract expired on 31 December 2023 and is now on a 12-month extension as per the current contract mechanism. By approving the new contract, the council will more quickly benefit from the increased

revenue with the supplier being able to more quickly digitise subject to planning approvals.

75% of Out Of Home advertising revenue comes from Digital and as such Paper advertising alone is no longer sustainable for the future operational running of a Bus Shelter and Free- Standing Unit contract.

If direct award is not support, the Council would need to run a new tender awarded prior to 1 January 2025.

- iii. Pursuant to Rule 26.1 of the Council's Contract Procedure Rules ("CPRs"), the Executive approved a waiver of Rules 11.4 and 11.7 of the Council's CPRs in relation to the direct award of the new concession contract to JC Decaux UK.

Reason: Most of the bus shelters in York are currently the property of JCDecaux, who both purchase, install and maintain them. The risks of not continuing the concession contract are set out in the report and can be summarised as, all current bus shelters would be dismantled by JCDecaux in January 2025 with new ones needed to be sourced, installed and maintained introducing a substantial additional cost to the Council in both capacity and, potentially capital expenditure and ongoing operational expenditure if a new supplier is not found through a competitive tender.

- iv. Approved the council's advertising policy which will be embedded into the bus shelter, and all place-based advertising contracts with adverts displayed on council owned or operated land:

Reason: The new advertising contract allows greater controls over the types of advertising that is displayed. The council's advertising policy is designed to restrict high fat, salt and sugar products being displayed to residents to help promote better health and wellbeing.

116. Ward Funding Allocation 2024/25 (17:36)

The Assistant Director for Customer and Communities noted that the Council had a £250,000 Ward funding budget. She confirmed that the different Ward funding models had been considered by the Corporate Service, Climate Change and Scrutiny Management Committee.

The Executive Member for Housing, Planning and Safer Communities noted that there had been no consensus from Scrutiny as to which model to use and that several models had strong merits. He noted his support for the recommended model A and confirmed that it would ensure a lump sum of £105,000 would be shared equally between ward member and £145,000 be allocated taking into account deprivation and population size.

The Executive Leader noted that Ward funding had disappeared from some Councils and was happy that York was able to maintain this funding. She confirmed that in an environment of diminishing resources it was important that the Council got the most possible out of the funding and agreed with supporting model A.

Resolved:

- i. Approved maintaining the use of Model A, subject to funding, to allocate Ward Funding for the next three financial years and reflect the Council Plan 2023-2027.

Reason: To ensure that ward allocations meet Council Plan priorities and methodologies around allocations are transparent to residents and stakeholders.

117. Consultation on an Equity, Diversity and Inclusion Strategy 2024-27 and Next Steps (17:47)

The Executive were joined for this item by Arif Sain from Inclusivity Global.

The Director of Customer and Communities introduced the report and confirmed work was being undertaken to publish the Council's first ever ethnicity pay gap report, the Equalities

Impact Assessment was being improved and tested to become an Equalities and Human Rights Analysis, and the job description was being finalised ahead of advertising the new Head of Equality and Diversity post. She highlighted the reestablishment of the Human Rights and Equalities Board and that the Chief Operating Officer was currently leading a new corporate equalities group.

Mr Sain welcomed the Council's consultation and noted that it provided an opportunity to work with communities in York. He confirmed that the Council's declaration to become an anti-racism city had been met positively and noted that future work needed to clearly identify the needs of communities.

The Executive Members for Finance, Performance, Major Projects and Equalities welcomed the report and was happy to see the Council and the Executive working to return the Council to its previously high status on Equity, Diversity and Inclusion. She welcomed the collaborative working with the Applied Centre for Human Rights at the University of York to develop a new Equalities and Human Rights Impact Analysis. She confirmed that the new assessment would act as a guide throughout the Council's decision making process. Finally she noted that the action plan cannot sit solely with the Executive and that the council would work with partner organisations and residents on the next steps to be undertaken.

Resolved:

- i. Noted the results of the externally produced assessment against the requirements of the Equalities Framework for Local Government (EFLG) and areas of achievement and development which will feed into the action plan at Resolved iii), below;
- ii. Endorsed the draft Equity, Diversity and Inclusion Strategy 2024-27 at Annex B which will be used as an interim strategy pending the outcome of consultation, as the equality objectives are required as part of meeting the council's Public Sector Equality Duty;
- iii. Approved officers to carry out a public consultation on the draft strategy to inform the final three year strategy and action plan for approval in autumn 2024, noting this will not hold up of delivery of critical core actions needed to start the work of

improvement as identified. A further report will be brought to Executive with the results of this consultation.

Reason: To demonstrate the City of York Council's core commitment to becoming a more equal, diverse and inclusive council.

118. Recommissioning of Sensory Services in York (18:26)

The Corporate Director of Adult Services and Integration introduced the report and it was confirmed that the Council was required to maintain a sensory service under the 2014 Care Act. Officers confirmed that the recommendation sought to go out to tender for a 3 year contract with the option of a 2 year extension.

The Executive Member for Health, Wellbeing and Adult Social Care thanked the current provider The Wilberforce Trust and its staff for their work. She noted that demands for the service had changed in the last seven years and that the Council should have reprocured two years ago instead a contract extension had been agreed. Finally she noted the value for the new contract was returning to the base line of the previous contracts value.

Resolved:

- i. Approved the procurement of a new contract for the Sensory Support Service for an initial term of 3-years, with an option to extend for up to a further 2-years;
- ii. Delegated authority to the Corporate Director of Adult Services and Integration (and their delegated officers) in consultation with Chief Finance Officer (and their delegated officers in Commercial Procurement) to commence procurement from the market for a new contract for the Sensory Support Service for an initial term of 3-years, with an option to extend for up to a further 2-years via an open, fair and transparent competitive process and evaluation criteria in compliance with the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution (the "CYC's CPRs") and (where applicable) under the Light Touch Regime

under Regulations 74 to 76 and Schedule 3 of Public Contract Regulations 2015 (the “Procurement Regs”);

- iii. Delegated authority to the Corporate Director of Adult Services and Integration (and their delegated officers), in consultation with the Director of Governance (and their delegated officers in Legal Services), to determine the provisions of the new contract for the Sensory Support Service, and the provisions of any subsequent modifications and/or extensions thereto;
- iv. Delegated authority to the Corporate Director of Adult Services and Integration (and their delegated officers), in consultation with the Chief Finance Officer (and their delegated officers in Commercial Procurement) and the Director of Governance (and their delegated officers in Legal Services), to award and conclude the new contract for the Sensory Support Service following an open, fair, and transparent competitive process and evaluation criteria in compliance with the Council’s CPRs and (where applicable) the Procurement Regs.

Reason: The option proposed will comply with CYC’s CPRs and the Procurement Regs in terms of completing an open, fair, and transparent process as the market has not been approached since 2017.

Further, the provision of the Sensory Support Service ensures the Council meets the statutory duty under the Care Act 2014 through prevention and delay, and the ability to plan anticipated needs (rehabilitation), assessment and eligibility, information and advice and registration data (Certificate of Vision impairment).

119. Housing Retrofit update (18:41)

The Head of Housing Delivery and Asset Management introduced the report which provided the Executive with an update on activity to retrofit houses in the city and recommendations for HUG 2, LEAD, and the Net Zero Fund schemes.

The Executive Member for Housing, Planning and Safer Communities welcomed the Council's progress on energy efficiency and insulation. He stated that the Executive would focus on insulating homes across the city and not on building a few very energy efficient homes.

The Executive Members for Environment and Climate Emergency welcomed the positive work that had already been undertaken. She highlighted that cutting emissions through housing retrofit also produced lower energy bills and healthier homes. She highlighted the example that a new low carbon communal heating systems at Alex Lyon House and Honeysuckle House had cut Council tenants heating bills by an estimated 50%.

Resolved:

- i. Noted the progress achieved so far in the completion of energy efficiency and retrofit projects under the following grant funded programmes, Home Upgrade Grant Phase 1 (HUG1), Local Authority Delivery Phase 3 (LAD3), and the Social Housing Decarbonisation Fund Wave 1 (SHDF1);
- ii. Noted the commencement of new energy efficiency and retrofit projects, including the Local Energy Advice Demonstrator (LEAD) project, Retrofit One Stop York (ROSSY) project, and the Social Housing Decarbonisation Fund Wave 2 (SHDF2).

HUG2

- iii. Approved the Council entering into the Home Upgrade Grant Phase 2 delivery contract with Clear Climate, as the winning bidder of the recent procurement exercise;
- iv. Delegated authority to the Director of Housing, Economy and Regeneration in consultation with the Head of Procurement and the Director of Governance (or their delegated officers), to conclude the terms of the HUG2 contract with Clear Climate.

LEAD

- v. Noted the signing of a grant funding agreements, as part of the Local Energy Advice Demonstrator (LEAD), with Joseph Rowntree Housing Trust. Note the intention to enter further grant funding agreements with York Conservation Trust, York Travellers Trust, and Leeds Beckett University, to enable the delivery of high-quality retrofit surveys and advice which target properties which are 'hard to treat' and residents who are often missed or not engaged with. Such agreements, and the associated transfer of grant funds, will enable a significant number of retrofit surveys and thereby support effective planning for future retrofit delivery works.

Net Zero Fund

- vi. Approved the Council entering into the Grant Funding Agreement with York and North Yorkshire Combined Authority for the Net Zero Fund allocation for Alex Lyon House and Honeysuckle House, totalling £1,895k and delegate to the Director of Housing, Economy and Regeneration, in consultation with the Head of Procurement and Director of Governance (or their delegated officers), authority to conclude terms of the grant funding agreement;
- vii. Delegated authority to the Director of Housing, Economy and Regeneration, in consultation with the Head of Procurement and the Director of Governance (or their delegated officers), to carry out procurement processes in compliance with the Council's Contract Procedure Rules and the Public Contract Regulations 2015 to seek suppliers for the delivery of the Net Zero Fund projects at Alex Lyon House and Honeysuckle House, and to subsequently enter into contracts covering design, consultancy services and construction works.

Reason: To deliver the council's ambitions for minimising the energy bills of those residents facing financial challenges, supporting health and wellbeing, building the local green economy, and retrofit supply chains, and reducing carbon emissions in the city and to ensure the provisions of the Subsidy Control Act 2022 are complied with.

Cllr Douglas, Chair

[The meeting started at 5.30 pm and finished at 7.00 pm].

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Forward Plan: Executive Meeting: 9 May 2024

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 13 June 2024

Title and Description	Author	Portfolio Holder
<p>Capital Programme outturn</p> <p>Purpose of report: To provide members with the outturn position on the capital programme.</p> <p>Members will be asked: To note the outturn, recommend to full Council any changes as appropriate.</p>	<p>Debbie Mitchell, Chief Finance Officer</p>	<p>Executive Member for Finance, Performance, Major Projects and Equalities</p>
<p>Finance & performance outturn</p> <p>Purpose of report: To provide members with the year-end position on both finance and performance.</p> <p>Members will be asked: To note the report.</p>	<p>Debbie Mitchell, Chief Finance Officer Ian Cunningham, Head of Business Intelligence Hub</p>	<p>Executive Member for Finance, Performance, Major Projects and Equalities</p>
<p>Treasury Management Quarter 4 Prudential Indicators</p> <p>Purpose of report: To provide members with an update on the treasury management position.</p> <p>Members will be asked: To note the issues and approve any adjustments as required to the prudential indicators or strategy.</p>	<p>Debbie Mitchell, Chief Finance Officer</p>	<p>Executive Member for Finance, Performance, Major Projects and Equalities</p>

<p>Treasury Management 23/24 outturn</p> <p>Purpose of report: To provide the annual treasury management review of activities and the actual prudential and treasury indicators.</p> <p>Members will be asked: To note the issues and approve any adjustments as required to the prudential indicators or strategy.</p>	<p>Debbie Mitchell, Chief Finance Officer</p>	<p>Executive Member for Finance, Performance, Major Projects and Equalities</p>
<p>Air Quality Annual Status Report 2024</p> <p>Purpose of the Report: The report details the latest (2023) air quality monitoring results for York and progress on achieving measures in York's current Air Quality Action Plan (AQAP3). The report also highlights priorities for 2024/25 and measures to deliver further improvements in air quality.</p> <p>Executive will be asked to. The Executive is asked to note the contents of the report (and approve the submission of the Annual Status Report to DEFRA, Department for Environment, Food and Rural Affairs) including the generally improving trend in air pollution in recent years.</p>	<p>Neil Ferris, Corporate Director of Place</p>	<p>Executive Member for Environment and Climate Emergency</p>

<p>Prioritisation of Supplementary Planning Documents</p> <p>Purpose of report: The list of SPDs to produce to support the plan was agreed at Executive in January 2023. This report seeks agreement on their prioritisation and timescales for production and to agree any new SPDs and/or guidance subsequently identified as a priority, and where resources allow.</p> <p>The Executive will be asked to Agree the list of prioritised SPDs Agree to additional SPDs and/or guidance production, where subsequently identified as a priority and where resources allow.</p>	<p>Alison Cooke, Head of Strategic Planning Policy</p>	<p>Executive Member for Housing, Planning and Safer Communities</p>
<p>Results of Air Quality Action Plan 4 (AQAP4) Consultation</p> <p>Purpose of the Report: The report presents the scope and results of the public consultation on a draft of CYC's Air Quality Action Plan update, that took place between 22nd November 2023 and 4th February 2024.</p> <p>Executive will be asked to. Note the results of the public consultation, the updates made to the consultation draft of AQAP4 and to formally adopt AQAP4. Subject to approval, a final version of AQAP4 will be submitted to DEFRA.</p>	<p>Neil Ferris, Corporate Director of Place</p>	<p>Executive Member for Environment and Climate Emergency</p>

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 11 July 2024

Title and Description	Author	Portfolio Holder
<p>Enforcement Policy</p> <p>Purpose of the Report: The report proposes a new enforcement policy ('the policy') for the council. It is intended to apply to almost all council services, therefore having a much wider scope than the various existing policies. The policy sets out the general principles officers will apply to achieve compliance with the wide variety of legislation enforced. The policy also sets out instances where a firmer stance, including prosecution, may be considered more appropriate even in the first instance.</p> <p>Executive will be asked to. Adopt the policy in order to guide officers and ensure a consistent approach when enforcement activity is undertaken by the council.</p>	<p>Matthew Boxall, Head of Public Protection</p>	<p>Executive Member for Environment and Climate Emergency</p>
<p>Safer York Partnership Community Safety Strategy</p> <p>Purpose of report: The list of SPDs to produce to support the plan was agreed at Executive in January 2023. This report seeks agreement on their prioritisation and timescales for production and to agree any new SPDs and/or guidance subsequently identified as a priority, and where resources allow.</p> <p>The Executive will be asked to Agree the list of prioritised SPDs Agree to additional SPDs and/or guidance production, where subsequently identified as a priority and where resources allow.</p>	<p>Alison Cooke, Head of Strategic Planning Policy</p>	<p>Executive Member for Housing, Planning and Safer Communities</p>



Meeting:	Executive
Meeting date:	09/05/2024
Report of:	Peter Roderick, Director of Public Health
Portfolio of:	Cllr Jo Coles, Executive Member for Health, Wellbeing and Adult Social Care

Decision Report: Building a smokefree generation in York: approving use of the Local Stop Smoking Services and Support Grant

Subject of Report

1. This report will give an overview of how the council intends to utilise new resource from the Section 31 Local Stop Smoking Services and Support Grant 2024-2025 grant, where the city has been allocated an initial £196,000 from Department of Health and Social Care to be spent on reducing smoking in York in 2024/2025, with grant expected to continue each year until 2028/2029.
2. The grant will allow the Health Trainer service to engage more smokers from across the city, increase the number of people making a stop smoking quit attempt and increase the number of people who successfully quit smoking.
3. Around 14,600 York residents still smoke, costing the economy an estimated £120m in lost productivity and healthcare costs (including an estimated social care cost of £3.1m), and directly causing over 200 deaths a year.
4. Members are asked to approve the use of the Local Stop Smoking Services and Support Grant 2024-2025 grant in the ways outlined in this report, approve the use of the grant in future years (subject to funding) in line with the approach outlined in this report, and endorse the investment in our citywide tobacco control strategy to ensure a smokefree future for York.

Benefits and Challenges

5. Public Health will receive approx. £196,000 per year, over the next 5 years (from 24/25 to 28/29), via the section 31 Local Stop Smoking Services and Support Grant 2024-2025.
6. The grant funding provides an opportunity to enhance our local approach to tobacco control, including the current service offer provided by the City of York Council Health Trainer service, reaching into communities where smoking rates consistently above the York average. To do this, the service will have to adapt some ways in which it operates, to become more embedded within communities across York. There is a risk that moving from a proven delivery model to a more embedded community model may have an initial negative impact on upon the service's current high success rate in supporting people to stop smoking.

Policy Basis for Decision

7. The proposed use of the grant clearly aligns with the core council plan commitment of Health and the priority of “a health generating city, for children and adults”. Smoking is the leading preventable cause of death and illness in York, with 8.7% of the York adult population currently smoking – around 14,600 individuals.
8. This will also be a key component of achieving one of the 10 big goals within the Joint Health and Wellbeing Strategy 2022-2023. The changes to the service will support the goal of “Bring smoking rates down below 5% for all population groups”, with the revised focus being on *all population groups*. At present there are large differences in smoking prevalence in York, when comparing factors such as employment type or housing tenure.
9. The council plan 2023-27 commits to ‘Support more people on their journey of recovery from addiction, including through smoking cessation services and our recovery-based drug and alcohol model.’
10. This work will also support York's Economic Strategy objective “York will be among the top 25% most productive local economies

as measured by Gross Value Added (GVA) per hour worked, requiring a 3.8% increase in productivity.” Recent estimations are that £35.1m is lost to GVA due to expenditure on tobacco per year in York.

Financial Strategy Implications

11. The council will receive £196,542 in 2024/2025. The government has announced additional funding for local stop smoking services and support over the next five financial years, starting from 2024/2025 until 2028/2029. The grant has been confirmed for the 2024/2025 year, with funding for subsequent years subject to spending review settlements.
12. The grant letter suggests funding will continue at the same level as the 2024/2025 allocation throughout the five-year period. Any revisions to the grant amount will need to be responded to appropriately at that time.
13. The authority is required to maintain current spend on smoking cessation services in order to receive the additional funding.
14. The grant is ringfenced against a number of conditions set out to all Local Authorities in a government circular, and should be used ‘towards expenditure lawfully incurred or to be incurred by them in connection with the provision of local stop smoking services and support’

Recommendation and Reasons

15. Executive are asked to approve the use of the Local Stop Smoking Services and Support Grant 2024-2025 as outlined in this paper, including:
 - a) the expansion of the council’s stop smoking support
 - b) the expansion of treatments and the offer of additional stop smoking medications
 - c) additional community outreach to smokers, particularly those in disadvantaged groups in the city
 - d) additional communications activity to drive up smoking quit rates

16. Executive are asked to approve the use of the Local Stop Smoking Services and Support Grant in future years (subject to funding) in line with the approach outlined in this report.

Background

17. The Secretary of State for Health and Social Care has outlined that the grant will be used to:
 - Invest in enhancing local authority commissioned stop smoking services and support, in addition to and while maintaining existing spend on these services and support from the public health grant. This should not replace other/existing programmes which support smokers to quit, for example the tobacco dependency programme delivered within the NHS Long Term Plan.
 - Build capacity to deliver expanded local stop smoking services and support.
 - Build demand for local stop smoking services and support.
 - Deliver increases in the number of people setting a quit date and 4 week quit outcomes, reporting outcomes in the Stop Smoking Services Collection to NHS Digital
18. The current Health Trainer service provides free, 1:1, stop smoking support to residents of York. The service operates across community venues in the city, alongside virtual and telephone based appointments. As part of a quit attempt, the health trainers provide behavioural support and advice alongside four weeks of Nicotine Replacement Therapy [NRT] or an e-cigarette and four weeks supply of e-liquids (12 weeks supply of NRT/e-cigarette for pregnant women and their significant other).
19. In 2022/2023, the service supported 245 residents to set a quit date, of which 184 were counted as successfully quitting smoking (those who have reported to not be smoking at all at 4-weeks post their “quit date”), a 75% quit rate. This puts York’s Health Trainer service as the fourth best performing local authority stop smoking service in England (the average quit rate across England is 54%).
20. Within York, the current smoking prevalence among adults is 8.7% (14,600 people). The 3 wards with the highest number of smokers are Westfield, Guildhall and Heworth, which combined account for approximately 7,000 of the smokers within the city. Across England smoking prevalence in the most deprived population

decile is 21.9% versus 6.1% in the least deprived population decile.

21. Smoking prevalence also varies significantly by occupation type (6.7% in managerial and professional vs. 15.2% in routine and manual) and by housing tenure (4.0% owns with a mortgage vs. 30.3% in social rented). Smoking prevalence is also higher in other specific population groups, such as adults with a long-term mental health condition (20.9%), those seeking treatment for opiate substance misuse (43.8%) and of Gypsy or Traveller ethnicity (45.0%). These are examples of populations that are currently underserved by the existing model of service delivery. The new model of delivery will radically change the service, to make it as accessible as possible for these population groups and communities.
22. To enable more people to successfully quit smoking there needs to be an increase in two things. The first is the number of people who are making a quit attempt, achieved through local and national marketing and communications. This needs to highlight the harms of smoking, the benefits to quitting and the ways in which people can be supported to make a quit attempt.
23. The second is driving more people into a specialist stop smoking service, as this is repeatedly evidenced to be the most effective quitting method (with a combination of pharmacotherapy and behavioural support) compared to going cold turkey or using NRT bought over the counter. At present, across England, the majority of people making a quit attempt do so either on their own with no support, or on their own using an e-cigarette, with only 2% accessing a specialist stop smoking service.
24. Working with the Health Trainer Service Manager, a new model for the service has been developed. This has resulted in an additional 2.5FTE Health Trainers, the development of two new Senior Health Trainer roles and an additional 0.5FTE project support role, all of which will build the capacity to deliver stop smoking support in York.
25. The additional capacity within the service will allow for a much greater presence within community locations, closer alignment with council services (housing, social care, homelessness services etc.) and external services (primary and secondary care, voluntary community sector, large employers). It will enable the inequalities

in smoking rates referenced in para 22 to be tackled and take the service 'out of the clinic' to reach those who would not normally engage.

26. In order to further support people to stop smoking the following measures are being proposed:
- Extending the pharmacotherapy offer (NRT and e-cigarettes) to 10 weeks, above the current offer of 4 weeks. NICE guidance is that pharmacotherapy is offered for 8-12 weeks, to provide the best chance of remaining quit long term. Currently financial constraints have meant that the offer has been 4 weeks since 2018.
 - Exploring the process for making Cytisine available to service users, a recently approved stop smoking medication. The service previously offered Varenicline (Champix), until it was withdrawn by the manufacturer in summer 2021. Both this and the above point align with the grant condition of "increasing spend for stop smoking aids for smokers to use in their quit attempts from the full range of products available as recommended by NCSCT and NICE guideline NG209".
 - Increasing the marketing and comms output of the service via dedicated comms officer time and an increased operational marketing budget. Part of the grant is suggested to be used on "Increased promotion of local stop smoking support - we encourage local authorities to invest in marketing and promoting local interventions to quit smoking."
 - Increased budget to support embedding the service in community locations. This may include basing the service in heart of communities on a permanent basis, such as within community centres, or on a temporary basis such as in care-homes and larger employers. It will work with already established and trusted community organisations, charities, and community peers. This supports the grant guidance of "providing access to specialist and non-specialist advisers in locations where smokers routinely attend, such as community venues, GP surgeries, mental health services and employers".

Options Analysis and Evidential Basis

27. The proposed changes to the service outlined above will allow the Health Trainer service to undertake the three priorities needed to increase the number of people who are able to successfully quit smoking

- a) **Increase the number of people making a quit attempt** – the increased marketing activity of the service will allow local residents to know how and where they can seek support to stop smoking and the benefits of doing so. The Health Trainer service will also amplify regional (through the ICB Centre for Excellence in Tobacco Control) and national campaigns (Stoptober, No smoking day).
- b) **Increase the number of people accessing specialist stop smoking support** – the growth in the service headcount will allow the Health Trainer support to be taken into communities that are currently underserved by the existing offer. The service will be re-designed to ensure it is as accessible as possible for all residents in the city – by being visible in communities, workplaces, care homes, temporary accommodation. The service will bring support in to communities and locations with higher smoking prevalence, ensuring that support is available in the most convenient way.
- c) **Increase the effectiveness of the stop smoking service** – the expansion of the pharmacotherapy and e-cigarette offer will give all residents the best chance to successfully quit smoking for good. The behavioural support helps to treat the habit and behaviours associated with smoking, while the pharmacotherapy helps to treat the nicotine addiction.

Organisational Impact and Implications

- **Human Resources (HR):** Appropriate HR process will need to be followed while undertaking any change to staff roles or structures.
- **Financial:** Financial implications have been outlined earlier in this report. Finance colleagues are aware of the proposed spending plans and have factored into the current year's budget planning.
- **Legal:** Provided the Council complies with the terms of the grant it has discretion on how to deploy the funds received.
- **Procurement:** While no new services are planned to be procured at this time, usual council process will need to be followed should the need arise to procure an external supplier.

- **Environment and Climate action:** expansion of the Council's stop smoking support has the potential to reduce associated carbon emissions of the service by considering how staff operate within the communities they serve, covering travel and energy usage. Consideration could also be given to the carbon impact of any procured materials and the disposal methods for stop smoking aids. Cigarette butts are one of the most littered items in the UK and do not biodegrade, so reducing smoking rates has positive impacts in this area.
- **Affordability:** Smoking is not a choice; many smokers have been trapped by nicotine addiction since a young age. The cost of smoking can put our most vulnerable residents in an even more precarious position. Anything that we can do as a Council to support residents to quit smoking is beneficial and will allow for income to be spent on other priorities and/or support financial recovery. Working within community settings with partners could facilitate other support to assist with further financial support.
- **Equalities and Human Rights:** Following a discussion with the Assistant Director for Customer, Communities and Inclusion, an Equalities Impact Assessment [EIA] has been conducted alongside this report.
- **Data Protection and Privacy** As there is no personal data, special categories of personal data or criminal offence data being processed for the purposes of this report, there is no requirement to complete a DPIA. This is evidenced by completion of DPIA screening questions AD-04771. However, the relevant data protection requirements for the current Stop Smoking service will be reviewed and updated where necessary following this decision.
- **Communications:** Part of the grant is proposed to be utilised to increase the reach of the service, through dedicated communications capacity from the Council's marketing and communications team.
- **Economy:** Smoking has negative impacts on the economy due to the impact on the workforce. Supporting more people to stop smoking will have positive impacts for individuals, employers, and York's economy as a whole.

Risks and Mitigations

28. As with all government grants, they are subject to an annual spending review. As far as is possible, the government have committed to this funding for the next five years and planning has been undertaken on this basis. If, for whatever reason, the grant was not to be continued or reduced, then appropriate changes to the service offer would be made to reflect this.
29. The grant must be spent within the financial year in which it is allocated, and this must be reported upon each year. Public Health and Finance colleagues have worked together to ensure that the appropriate financial controls are in place for the effective spending and reporting of the grant.

Wards Impacted

30. All wards are impacted by the implications within this report.

Contact details

For further information please contact the authors of this Decision Report.

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Report approved:	Yes
Date:	25/04/2024

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Report approved:	Yes

Date:	25/04/2024
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Annexes

- Annex A: Equalities Impact Assessment (EIA)

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Public Health		
Service Area:	Health Trainer's		
Name of the proposal :	Smokefree generation – expansion of the Health Trainer smoking cessation service offer		
Lead officer:	Phil Truby		
Date assessment completed:	03/04/2024		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Phil Truby	Public Health Specialist Practitioner Advanced	CYC	Public Health
Glyn Newberry	Health Trainer Programme Manager	CYC	Stop smoking services
Anna Basilico	Head of Population Health and Partnerships	Humber and North Yorkshire ICB	Health inequalities, population health groups

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>The Health Trainer service sits as part of the council's Public Health team. It is well established and offers free, 1-1 support to residents of York on Stopping Smoking, being a Healthy Weight, being Physically Active, eating Healthily, drinking less Alcohol and being less Isolated.</p> <p>The proposal is to use a government grant that is specifically for stop smoking services, to expand the current Stop Smoking element of the service by increasing the number of health trainers, changing the service structure, extending the duration of support offered and increasing the marketing activity of the service.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>The grant is being provided to the local authority, from the Department of Health and Social Care, via a section 31 grant. There are specific grant conditions that state the current activity relating to stop smoking support needs to be continued and this this grant funding must be used to increase the availability of stop smoking support.</p> <p>Further information on the grant conditions can be found here: https://www.gov.uk/government/publications/local-stop-smoking-services-and-support-additional-funding/local-stop-smoking-services-and-support-guidance-for-local-authorities</p>

1.3	Who are the stakeholders and what are their interests?
	<p>Residents – users of the service, will likely see an improvement in service offer</p> <p>Health trainer staff – providers of the service, will see a change to how service is delivered and duration of support that is offered to residents.</p> <p>Professionals / referral sources in to the service – will need to be updated on changes to the service and the benefits for service users.</p>
1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	<p>The grant funding provides an opportunity to enhance the local approach to tobacco control, including the current service offer provided by the City of York Council Health Trainer service, reaching into communities where smoking rates consistently above the York average. To do this, the service will have to adapt some ways in which it operates, to become more embedded within communities across York. The proposal will reach underserved communities and support the to quit smoking.</p> <p>The council plan 2023-27 commits to ‘Support more people on their journey of recovery from addiction, including through smoking cessation services and our recovery-based drug and alcohol model.’</p>

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
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Source of data/supporting evidence	Reason for using
OHID Fingertips - https://fingertips.phe.org.uk/profile/tobacco-control	Latest data on smoking trends, including local and national inequalities.
NICE guidance on treating tobacco dependence - https://www.nice.org.uk/guidance/ng209	Best practice guidance on how to treat tobacco dependence, including in different population groups.
NCSCT guidance on delivering and monitoring local stop smoking services - https://www.ncsct.co.uk/publications/commissioning-delivery-monitoring	This document provides clear steps for commissioning, delivering and monitoring effective, evidence-based stop smoking support.
York Council - Health Needs Assessments - https://www.healthyyork.org/	Health needs assessments on specific population groups, including those with disabilities, gypsy and travellers etc.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
	Gaps in data or knowledge	Action to deal with this
	The view of different people with different protected characteristics.	Feedback will continue to be collated and inform the regular review of the contract and advertising policy.
	The views of residents in the development of this proposal.	Feedback will continue to be collated and inform the regular review of the contract and advertising policy.

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	Smoking has negative impacts upon people of all ages, however across England, smoking prevalence is higher among young age groups. The service already has a specific offer targeted at people aged 12-17, however the new offer will also look at how to better engage people aged 18-35. The current average age of people accessing the service is in the 50-55 age group.	+	M
Disability	Smoking prevalence is higher in those with a lower self-reported health status, however this could be in part due to the causal effects of smoking on physical and mental health.	0	L
Gender	Both nationally and locally, smoking prevalence is higher in males, although the difference is not statistically significant locally. The service will take opportunities to work with specific gendered groups, if it aligns well with other known groups where smoking prevalence is higher (i.e. occupation type etc.)	0	L
Gender Reassignment	No impact	-	-

Marriage and civil partnership	No impact	-	-
Pregnancy and maternity	Supporting pregnant women is a core objective of all stop smoking services. At present all pregnant women are asked at their booking appointment for smoking status and offered an opt out referral to stop smoking support. Pregnant women have been, and will continue to be, offered priority appointments given the impact it has for both mother and baby.	+	H
Race	Smoking prevalence does vary by race, and specific cultural beliefs impact upon views towards smoking. Those with a mixed ethnicity often have a higher smoking prevalence.	0	L
Religion and belief	No impact	-	-
Sexual orientation	Gay/lesbian people have a higher smoking prevalence, than other sexual orientations. The service will look at how it can better meet the needs of gay/lesbian residents.	0	L
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	No impact		
Low income groups	Smoking prevalence is higher among those living in the more deprived deciles, both nationally and locally. The service will be positioned in community locations where it is known that smoking rates are higher. Additionally, those in routine and manual occupations are twice as likely to be smoking as those in managerial	+	H

	professions. The service will target specific employers to support people working in these roles.		
Veterans, Armed Forces Community	Smoking prevalence is higher in the armed forces community than the England average, although there are distinct variations between branches of the armed forces. Rates have been declining over the last 10 years, but still remain above England average.	+	L
Other	Gypsy and traveller – a recent Health Needs Assessment identified high smoking rates in this community. A specific, targeted provision will be developed through this proposal.	+	M
	Social rented housing – those living in social rented housing in York are more than 7 times more likely to be smoking than someone who owns their house with a mortgage. The service will work with Council housing and external housing providers to offer a bespoke offer.	+	H
Impact on human rights:			
List any human rights impacted.	No impact on human rights		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups

- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<p>We plan to work with service users to make the service as accessible and inviting to all sections of our community. We will listen to the needs of different population groups and adapt the service to meet their needs, be that through the physical location of the service, the days/times the service operates, or the way in which we involve people with the service (e.g. our marketing, referral or contact methods).</p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:	
Option selected		Conclusions/justification
No major change to the proposal		The EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Resident feedback	While feedback is regularly sought from service users, it is not routinely collected from those who can't/don't access the service. We want to seek their views on how we can make the service more accessible to them.	Glyn Newberry	July 2024

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	As part of the ongoing service delivery, annual evaluations are undertaken to ensure that the service is reaching communities with highest smoking rates. Additionally, there is annual reporting back to government as part of the grant conditions, which includes the demographics of who is being supported to quit smoking. Service user feedback is continually sought, with recommendations acted upon where possible.



Meeting:	Executive
Meeting date:	9 th May 2024
Report of:	<p>Bryn Roberts Director of Governance & Monitoring Officer</p> <p>Debbie Mitchell Chief Finance Officer</p> <p>Dan Moynihan Deputy Monitoring Officer & Senior Lawyer</p>
Portfolio of:	<p>Cllr Katie Lomas Executive Member for Finance, Performance, Major Projects, Human Rights, Equality, and Inclusion</p>

Decision Report: Update to Joint Committee Governance Arrangements for the Yorkshire Purchasing Organisation (“YPO”)

Subject of Report

1. This report is to seek approval from Executive to sign a revised Management Agreement which sets out the governance arrangements for the YPO Joint Management Committee following a review of governance and recommendations for approval from the YPO Management Committee.

Benefits and Challenges

2. Continued participation in YPO helps CYC to combine its purchasing power with other local authorities to maximise economies of scale and ensure value for money.

Policy Basis for Decision

3. In December 2022, Full Council approved a 10-Year Plan, known as “York 2032”, and 10-Year Strategies. The Council Plan 2023-2027 was approved by Full Council in September 2023, and contributes to delivery of the 10-Year Strategies. The Council Plan has four core commitments, that define the outcomes the council will deliver over the current administrative term:

- Affordability;
- Environment;
- Equalities and Human Rights; and
- Health Inequalities.

The proposals within this report are consistent with these four key pledges as follows:

- a) **Affordability:** Through its continued participation in YPO, CYC combines its purchasing power with other local authorities to maximise economies of scale and ensure value for money.
- b) **Health Inequalities:** Overall, good local government financial governance plays a crucial role in promoting public health by ensuring that resources are allocated efficiently, these efforts contribute to creating healthier and more resilient communities.

Financial Strategy Implications

4. The recommended option has no financial implications. As one of the founder members of YPO, CYC combines its purchasing power with other local authorities to maximise economies of scale and ensure value for money. The continuation of this arrangement will support CYC in meeting the financial challenges ahead.

Recommendation and Reasons

5. **It is recommended that the Executive:**

- a) To note, consider and accept the changes recommended by the Yorkshire Purchasing Organisation Management Committee.

- b) To delegate authority to the Director of Governance to sign an updated Management Agreement on behalf of the Council of the City of York, noting that all Member Authorities of Yorkshire Purchasing Organisation must also agree before the revisions take effect.
- c) To delegate contracting authority to the functional role of Managing Director of Yorkshire Purchasing Organisation.

6. Reasons:

- a) 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 governance of the arrangements needs to be updated to ensure that the governance of YPO Management Committee remains up to date and fit for purpose.

Background

- 7. YPO has operated as a Joint Committee since its inception in 1974 and under the governance structure in the current Management Agreement since 2010.
- 8. YPO operates as a Joint Committee of 13 Founder Member Local Authorities, including CYC. 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.
- 9. 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.

10. The increasingly commercial nature of the daily operation of YPO and the experience of the planned acquisition of a major competitor, caused officers within YPO and the Lead Authority, Wakefield Council, 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.
11. YPO 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.
12. 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.
13. An external law firm, Addleshaw Goddard, was also commissioned by YPO to review the legal operating model. Their initial draft report was submitted to the March 2022 Management Committee. The final report was considered by the YPO Officer Working Group.
Addleshaw Goddard concluded that there is not currently a compelling case for change.

However, it was acknowledged by the external lawyers that this situation should be kept under review, particularly in light of forthcoming changes under the Procurement Act 2023, which comes into force later in 2024.
14. On 22nd July 2022 Management Committee formally approved the proposals and resolved to recommend them for approval at each member authority.

15. Full detail on the changes can be found in the YPO report and minutes attached to this report as **Annex A** but in summary they are as follows:
- 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.** In addition, this comes 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.** This is to emphasise 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.** This will emphasise 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 (i.e., Wakefield Council) 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.
- 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.

Items 15(a) to 15(d) above require amendments to the Management Agreement which requires approval by all 13 Founder Members, including CYC.

- 16. 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.
- 17. YPO have asked that 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 ad hoc basis of consultation jointly with the Chair, Vice-Chair, Chair of Audit & Governance, Independent Director, and the Lead Authority's (i.e., Wakefield Council's) Section 151 and Monitoring Officer should remain a key element of decision-making by the YPO Executive Board.
- 18. YPO have stated that purpose of the proposals above 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.
- 19. It should be noted that since the proposed changes have been discussed with YPO Members at the Management Committee itself and with Strategic Officers, the Management Committee has been operating to the new arrangements even though this will run ahead

of each Founder Member approving an update to the Management Agreement.

Consultation Analysis

20. The proposed changes have previously taken to YPO Joint Management Committee, and a working group of Founder Member strategic officers, all of which CYC have representation on as a Founder Member of YPO.
21. CYC Legal Services have already been consulted with by the Leader and the relevant Executive Member and have reviewed the proposed changes to the governance arrangements for the YPO Joint Management Committee.

Legal Services have confirmed that they are satisfied with the proposals.

Options Analysis and Evidential Basis

22. The Executive are asked to consider the following four options:
 - a) ***Option 1 - To agree to the revised Management Agreement and give effect to the recommendations of the Joint Committee.***

This option is preferred as this is the first review since 2010, and it ensures the arrangements are fit for purpose.

- b) ***Option 2 – Not to agree to the revisions***

This option is not recommended as it fails to give effect to the views of the Committee informed by a detailed governance review.

Organisational Impact and Implications

23. ***Financial***

There are no Financial implications to this report.

24. **Human Resources (HR)**

There are no HR implications to this report.

25. **Legal**

a) Vires & Statutory Duties

YPO is a Joint Committee constituted under Sections 101 and 102 Local Government Act 1972.

The proposed changes also include reduction of elected members from two per founder member to one, with substitutes permitted. 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 Section 15 applies are defined in Schedule 1 of the 1989 Act 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) Section 15 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 member authority will be appointing 1-seat to the Joint Committee under the proposed amendments, this duty does not apply.

b) CYC Constitution

Under the Scheme of Delegation set out in Appendix 1 of the CYC Constitution, the Leader and Executive are responsible for all of CYC’s functions (including local area functions), except those which are required by the law or CYC’s Constitution, to be the responsibility of CYC itself, or any other non-Executive part of CYC.

YPO exercises functions on behalf of its member authorities relating to procurement which are executive functions.

Changes to those arrangements are therefore the responsibility of Executive.

c) YPO Management Agreement

Clause 15(1) of the 2011 YPO Management Agreement states that any variation to said agreement, once approved by two thirds majority at the Joint Management Committee, shall be agreed in writing by all of the Founder Members who were party to the agreement, including CYC.

d) Proposed Changes

CYC Legal Services have already been consulted with the Leader and the relevant Executive Member and have reviewed the proposed changes to the governance arrangements for the YPO Joint Management Committee.

Legal Services have confirmed that they are satisfied with the proposals.

26. Procurement

There are no direct procurement implications in this report to sign a revised Management Agreement and approve the proposed changes to the governance arrangements for the YPO Joint Management Committee. However, as noted in the report, the Management Agreement must be kept under review due to Procurement Legislation changing and coming into force October 2024. Any changes, impacts or decisions surrounding Procurement must be held with the Commercial Procurement Team.

27. Health and Wellbeing

Overall, good local government financial governance plays a crucial role in promoting public health by ensuring that resources are allocated efficiently, these efforts contribute to creating healthier and more resilient communities.

28. Environment and Climate Action

There are no Environment and Climate Action implications to this report.

29. ***Affordability***

The recommendation in this report ensures that through its continued participation in YPO, CYC combines its purchasing power with other local authorities to maximise economies of scale and ensure value for money which helps reduce the impact on the council taxpayer in York.

30. ***Equalities and Human Rights***

CYC recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation, and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

At the time of writing, it is believed that there are no Equalities or Human Rights implications in respect of the matters discussed in this paper. However, an Equalities Impact Assessment (“**EIA**”) will be carried out in due course and the process of consulting on the recommendations in this report will identify any equalities implications on a case-by-case basis, and these will be addressed in future reports.

31. ***Data Protection and Privacy***

Data protection impact assessments (“**DPIAs**”) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK data protection and privacy legislation. Failure to carry out a DPIA when required may leave CYC open to enforcement action, including monetary penalties or fines.

DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level

of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.

The DPIA screening questions were completed for this report and as there is no personal data being processed for the options set out in this decision report, there is no requirement to complete a DPIA at this point. However, this will be reviewed where required following the decisions from this report.

32. Communications

Any Communications Service support necessary in relation to this report is likely to be limited to reactive media management only.

33. Economy

There are no Economy implications to this report.

Risks and Mitigations

34. Please refer to **Background, Option Analysis Evidential Basis and Organisational Impact and Implications** above.

Wards Impacted

35. All Wards.

Contact details

For further information please contact the authors of this Decision Report.

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Background papers

N/A

Annexes

- Annex A – YPO Governance Review Document.



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

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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

Better value, delivered.



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

www.ypo.co.uk

Document Control Page

Document Type	Standing Orders
Document Ownership	Corporate Governance
Title of Document	Standing Orders for Contracts- and Financial Procedure Rules
Reference Number	
Controlled By	Head of Finance 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	Standing Orders for Contracts and Financial Procedure Rules 2016 <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~~
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- ~~14-11. Contracts Under £25,000~~
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- ~~16. Contracts Between £75,000 and EU Thresholds~~
- ~~17-13. Contracts Above UK GovernmentEU Thresholds~~
- ~~18-14. Receipt and Opening of Tenders~~
- ~~19-15. Examination of Tenders~~
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- ~~21-17. Claims From Contractors, Suppliers and/or Service Providers~~
- ~~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 Contracting 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 - it's 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 signing off a execution of a contract	Maximum limit for signing off execution of a framework agreement
Assistant Buyer	up to £0.5 million	
Buyer / category manager Procurement Officer	up to £1 million 50,000	
Contracting Manager/SMT member*	up to £500,000 2 million	up to £10,000,000 million
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 8th 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 tbc – 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 vehicles¹.

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;

¹ Inserted by Management Committee on 29th 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~~³ times 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:)

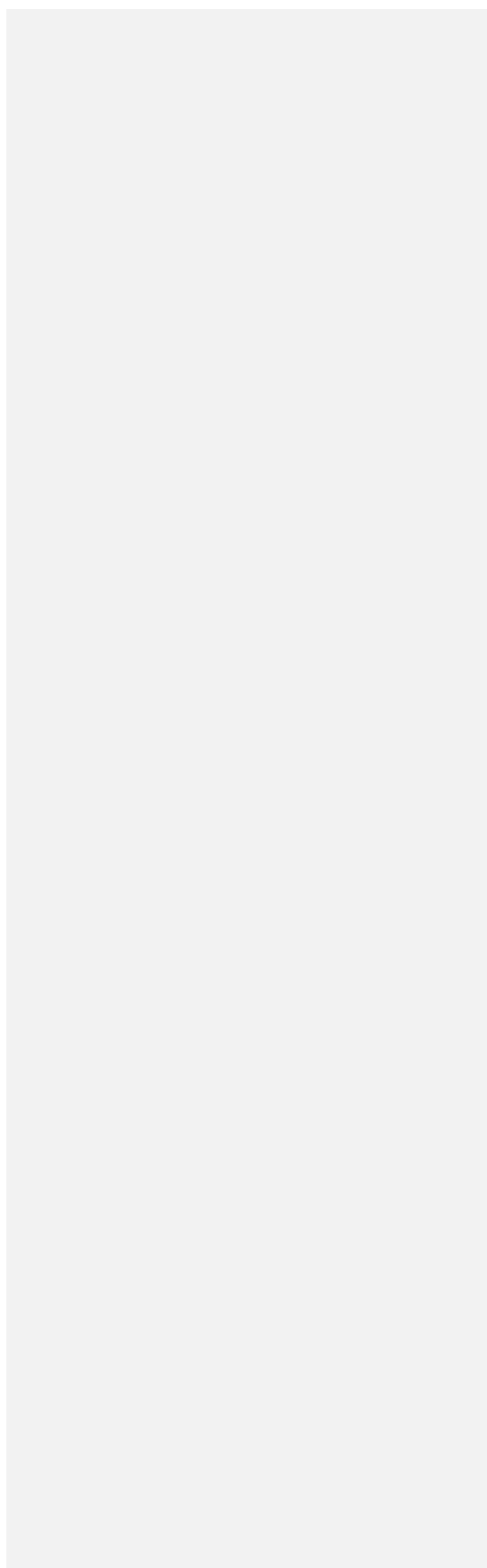
THE COMMON SEAL OF THE BOROUGH)
COUNCIL OF BOLTON)
was hereunto affixed in the presence of:)

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:)



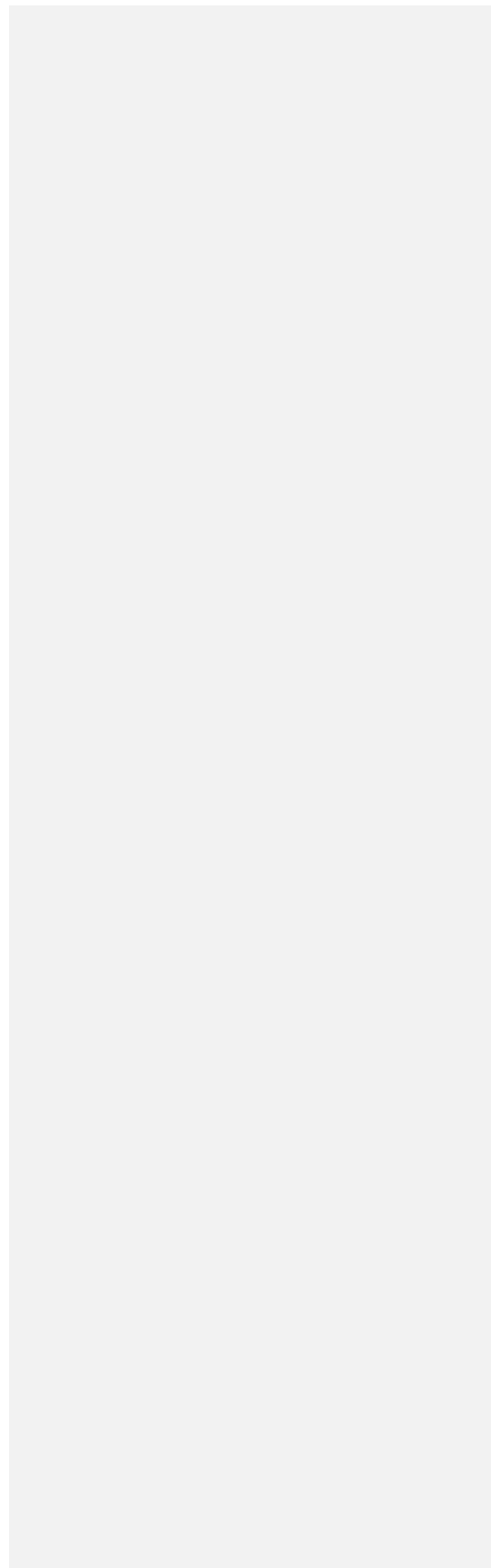
THE COMMON SEAL OF THE COUNCIL)
OF THE KNOWSLEY METROPOLITAN)
BOROUGH COUNCIL)
was hereunto affixed in the presence of:)

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

<p>6 Information which reveals that the Authority proposes:-</p> <p>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) To make an order or direction under any enactment</p>	<p>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</p>
<p>7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>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</p>

~~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").

1916 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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2118 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**

Date of Meeting	Directors Team Meeting <i>Inc S151 / Monitoring Officer</i>	Board Meeting <i>Inc Independent Director</i>	Member Authority Finance Directors Forum	Member Authority Chief Exec Forum	Member Authority Procurement Forum	Audit & Governance Committee <i>Inc Independent Director</i>	Joint Consultative Committee	Management Committee <i>Inc Independent Director</i>
August								
	2/8/22	23/8/22						
September								
	6/9/22	27/8/22		22/09/22				
October								
	4/10/22	18/10/22	20/10/22		25/10/22			
November								
	1/11/22	22/11/22				04/11/22	25/11/22	25/11/22
December								
	6/12/22	15/12/22						
January								
	03/01/23	24/01/23						
February								
	07/02/23	28/02/23	23/02/23		22/02/23			
March								
	07/03/23	28/03/23						
April								
	04/04/23	25/04/23		20/04/23				
May								
	02/05/23	23/05/23						
June								
	06/06/23	27/06/23	22/06/23		21/06/23			
July								
	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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Meeting:	Executive
Meeting date:	May 9th, 2024
Report of:	Corporate Directors of Place, Adult Social Care, Childrens Services, Director of Public Health Director of Housing Economy Regeneration
Portfolio of:	Executive Members for Housing, Adults, Childrens Cllr Pavlovic Cllr Webb Cllr Coles

Decision Report: Developing Homelessness Resettlement Pathways – Building Independence

Subject of Report

1. The council has a clear ambition to reduce homelessness and since 2023 significant cross directorate work has been undertaken between Housing Adult Social Care, Children’s Services and Public Health to explore ways of achieving this. The report to Executive in December 2023 on the Procurement of the Adult Community Wellbeing and Support Service provided the opportunity for a 6-month contract extension to allow for a consultation process, prior to reprocurement. The report noted the lack of business case for the option to bring the services inhouse, whilst also noting that the elements of the service that were already delivered in-house, delivered better outcomes than externally delivered services.
2. This 6-month extension has provided opportunity for further consultation and refinement of the council’s ambition to reduce homelessness. While the presumption in December was to reprocure services, it has also allowed the council to develop a business case for the option to bring most of the resettlement pathway in-house, with the objective of increasing efficiency, managing costs, and improving outcomes.
3. Due diligence on Housing Benefits subsidy arrangements has significantly altered the financial implications of insourcing the service

and as a result this option is presented in this report alongside the option to reprocure.

The resettlement pathways provide emergency/temporary accommodation and support, using residential placements, for everyone who is homeless over the age of 16. The pathways support people to develop the skills to live independently and prevent homelessness. The report outlines the progressive journey towards a tailored, person-centred, strength-based approach to resettlement. The first stage will bring the existing service in house and will then be followed by a second stage, to deliver a long-term ambition to ensure the council can provide a variety of effective, flexible accommodation and support solutions for residents who find themselves homeless. The approach is evidence based and will shift away from hostel accommodation, provide increased levels of service to prevent homelessness, and a focus upon rapid rehousing for those who become homeless but have relatively low support needs.

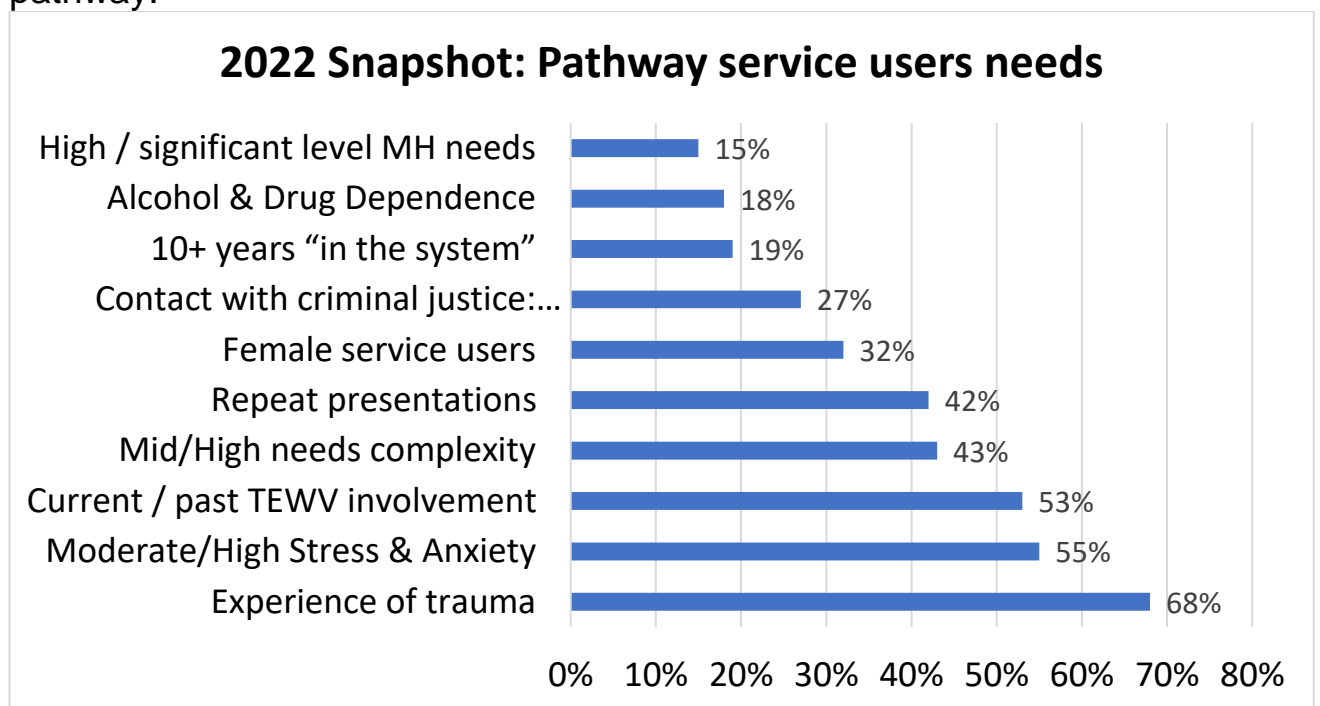
4. Following further consultation, a refreshed Homelessness and Rough Sleeping Strategy and delivery plan will be brought back to Executive later this year. This will be based on ongoing work with DLUHC (Department for Levelling Up, Housing and Communities) and the advice of internationally renowned Homelessness and Rough Sleeping expert Nicholas Pleace, who is based at the Centre for Housing Studies at the University of York. This strategy and our wider approach will ensure we are able to take a trauma informed approach in accordance with the motion passed at full council in March 2024.

Background

The context

5. The landscape of resettlement is wide ranging and complex and has evolved quickly in recent years. Rough sleeping reached crisis point nationally and locally in the middle of the last decade, due to austerity and national underinvestment in preventative services. Nationally, rough sleeping and the number of families in temporary accommodation continue to rise, with a national increase of 120% in rough sleeping levels from 2010 to 2023, and 60% since 2021. The Homelessness Reduction Act 2017 (HRA) set out new statutory responsibilities for local government in preventing and relieving homelessness. Similarly, the Children's Act has also refined our duty of care to 16 and 17-year-olds who are homeless and can also be Looked After Children (LACs).

6. A number of significant factors have exacerbated the situation, not least the impact of welfare reform (Universal Credit, Changes to disability benefits, bedroom tax etc.), the ongoing impact of the Covid pandemic on services and the health and wellbeing of individuals, followed recently by the ongoing cost of living crisis, the rise in short term holiday lets, the rise in S21 no fault evictions and the lack of sufficient affordable housing. A whole range of services around housing support, health (including mental health), social care and wider public services are all struggling to cope with demand within tight financial constraints. The picture for local government is one of extreme financial challenge. Changes to the asylum arrangements across the UK are also adding pressure to affordable housing supply in areas which have not previously experienced them. This includes York.
7. The diagram below articulates the presenting issues of customers in the pathway.



Existing Service Delivery

8. Existing provision is a mixture of internally delivered and externally commissioned services. The pathways are set out in Annexes A and B.

Externally commissioned services

9. The existing external contract was commissioned on 1st February 2017 from The Cyrenians Ltd. (t/a Changing Lives) to reduce homelessness. The Contract will expire on 31st July 2024 (the term having previously been extended beyond the original expiry date of 31st January 2022 by a further 2.5 years). The current annual cost is £1,098,375.

10. The scope of this contract covers: -
- 24/7 hostel provision at Union Terrace (39 male units)
 - 24/7 hostel provision at Robinson Court (14 female units and 4 young people's units)
 - floating tenancy support to shared housing and people living in the community (74 units across 14 houses, including Scarcroft Rd, and 12 training flats).
 - Making Every Adult Matter services ("MEAM") which provide intensive support and multi-agency coordination to up to 28 adults with complex needs.
 - Mental Health Housing First service ("MHHF") which supports up to 21 individuals with a long history of mental ill health and challenging lives to live independently. This service element is currently funded by ICB/TEWV as part of the future specialist Mental Health Supported Accommodation pathway.
11. This is also supplemented by charitable provision by Restore who provide a further 41 beds of uncontracted, shared accommodation in 10 properties, at zero cost to the council. The service provided has proven highly effective at supporting individuals and getting them to the point where they can move on into self-contained accommodation.

Council delivered resettlement services

12. York's Homelessness Service had been proactively developing a preventative approach to homelessness even before the legislative changes of 2017, resulting in the services receiving the national gold standard award in 2018. The council continues to directly deliver homeless resettlement services with a General Fund budget of £670k pa.
- Howe Hill - providing 34 hostel places for young people.
 - The Peaseholme Centre - providing 23 hostel places for adults.
 - Housing First – 37 supported tenancies with mental health support
 - Supported housing in council properties.
 - Navigator service providing early intervention, prevention services for rough sleepers and people at risk of homelessness.
 - Private Rented Sector team– places rough sleepers or single homeless people in private-rented, emergency resettlement accommodation - 34 people/households this year.

Homelessness Strategy

13. Work is ongoing to develop a revised homelessness strategy to reflect the ambitions and recognise wider work that will be needed to support

the ending of rough sleeping. This will be brought back to Executive later in the year supported by a delivery plan. It will need to consider the impact of increased demand in the system from the cost-of-living crisis, the national deterioration of public services, most notably mental health and support and the impact of increased numbers of asylum seekers with permission to remain which are all having impact at a national level.

The emerging draft priorities of the new Homelessness Strategy are shown below and are informed by the analysis set out in this report.

Emerging Homelessness Strategy key priorities summary
1. Expansion of Housing First with a target for additional homes over the strategy period, and multi-disciplinary team support for each tenant
2. Delivery of Resettlement Review exercise recommendations
3. Expansion of social housing with clear priorities to meet key needs
4. Expansion of Temporary Accommodation based on needs evidence
5. Build on existing arrangements to implement a robust governance structure and performance framework

Options Analysis and Evidential Basis

14. External service contracts end in the summer of 2024, and this provides an opportunity to review the business case for internal and commissioned options against performance and financial data and to consider the ability of each option to deliver a future service model, characterised by: -
 1. Provision of a range of accommodation options to meet individual need.
 2. Clear focus on outcomes and using data to shape future residential provision.
 3. A collaborative approach to providing the most appropriate support for people to achieve independence.
 4. Strong financial controls to ensure value for money.

15. The service review, undertaken over the last 2 years, has informed the draft homelessness strategy and future delivery options set out in this report. If the pathway is to deliver better outcomes, it will need to change, and that change will be organic rather than immediate. This is extremely

hard to build into a service specification whilst still retaining control of cost and service direction.

16. With current diverse arrangements in place, it has been difficult to create a reliable performance framework and finance schedule nor is it possible to map the journey to a new pathway, to quantify demand and plan future residential and support needs. A major barrier is that there is no overall control over the pathway to enable a root and branch redesign.
17. The existing mixed economy of provision was initially designed to simplify provision, with the contracted services providing more specialist support for the more complex clients. However, the pathway is still complex and opaque. It is difficult to assess end to end outcomes and costs and the intended specialism of the contracted element has been watered down, leaving a service offer that is almost identical, and clients with the same presenting issues being placed in Union Terrace and Peasholme. There is a mismatch between the residential solutions being delivered and those that evidentially deliver better outcomes.
18. As the needs of the individuals in the homelessness pathway become more complex, with higher incidences of drug and alcohol abuse and more significant mental health needs, the specialist services (Rough Sleeper Navigators, MEAM and MHF) are the most able to meet need and are therefore oversubscribed, whereas the Floating/Shared Housing Services have experienced a lack of referrals because the contracted level of support has not been sufficient to achieve resettlement.
19. Services, particularly those in house, have organically developed their offer to meet the level of support required by those with complex needs. In addition, the complexity of need and resulting challenging behaviours are being found to be progressively more difficult to manage within a hostel setting and the Rough Sleeping Navigator & Housing First approach has been developed to address this issue, allowing a flexible and person-centred service. A more integrated, direct support to the pathways is needed from a range of services, including social work, local area coordination, specialist children services, health, drug and alcohol, mental health support, as well as better access to other basic services such as dentistry, training and employment and meaningful activity.
20. There are two options:
Option 1 – Continue the mixed economy of provision and procure the existing scope of resettlement services.

Option 2 – Expand the current in-house service to incorporate the services in the scope of the Adult Community Wellbeing Support Service contract, with smaller commissioned work packages where needed.

21. The options need to be evaluated based on
 - a) Outcomes in resettling and preventing homelessness.
 - b) Cost control
 - c) Ability to meet our statutory duties.

Option 1 - Reprocure existing scope of resettlement services

22. The existing Adult Community Wellbeing Support Service contract expires on 31 July 2024. If it is to be reprocured it would need to be tendered in line with the Public Contract Regulations 2015, soon to be the Procurement Act 2023.
23. It will be impossible to accurately specify (up front) any long-term change to the service model to move away from a service defined by contracted bed space and to an outcome based, person-centred model. It is highly likely that the pathway would therefore remain static.
24. The contract length would need to be sufficiently long to attract a range of providers – 5 years or more - which would fix the pathway in its current form indefinitely. If a shorter contract were offered, it is likely there would be limited competition and a substantial risk of increased costs.
25. The contract would need to have clearer performance outcomes to facilitate better contract management and enable greater control over the use of council assets, for instance for shared housing to accommodate childless couples. This may also increase the price and reduce the field of bidders.
26. Most of the assets used to provide services pursuant to the contract are in council ownership (excluding shared housing properties leased to or owned by the incumbent supplier) so could be operated by a new supplier or be delivered internally.
27. As the statutory duty to prevent homelessness and provide accommodation for those defined as homeless resides with the council, it is difficult to meet these duties when the provider does not have the same responsibilities. If the provider evicts a tenant for being in breach of their tenancy, or refuses a placement based on previous behaviour, the council still has an absolute duty to provide a placement. This then increases the pressure on council operated services.

Option 2 – Expand the current in-house service to incorporate the services in the scope of the Adult Community Wellbeing Support Service contract with smaller commissioned work packages where needed.

28. The management structure already exists to triage, assess, place, deliver housing first, rapid rehousing, hostel provision with support and supported housing. This could be expanded to incorporate all resettlement services and allow more effective placement across the estate with improved quality of outcomes.
29. In-sourcing this service provision is likely to be viewed as a relevant transfer which would be managed in accordance with the TUPE (Transfer of Undertakings and Protection of Employment) regulations. If TUPE is deemed to apply, staff wholly assigned to the current contract would have certain employment protections and would transfer to the council on their existing terms and conditions. Any transfer would be managed in accordance with the legislation and the council's workforce change policies and would require HR support to be identified and allocated to support the change.
30. There are potential management efficiencies of integrating the two halves of the service, which would be achieved post transfer. Other opportunities for efficiencies would also be explored and there would be no additional external organisational overheads charge.
31. This option better enables the council to meet its' statutory responsibilities by balancing the risks of placements with the risk of failing to meet our statutory duties associated, increasing the available residential options under council control.
32. This option would enable a remodelling of the pathway to evolve as the homelessness strategy is agreed and as we develop a suite of performance data to facilitate the move to an early intervention, person centred service. It would also ensure that cost controls were in the gift of the council with no fixed contract costs committed over the long term. Efficiencies of operation would be identified following the transfer.
33. The provision of floating support in a range of residential settings is an aspect of the current contract where significant change is needed. This provision is currently inadequate to effectively resettle someone and referrals into this service and the scope of the contract have reduced during the contract term. This element of the service needs to be a

priority, to match the needs of the customer with the multi-agency support needed to support them in their resettlement journey. Further engagement with other agencies, such as Restore, Public Health, TEWV, NYP and health services will inform a development of this pathway, and this will be brought back to Executive.

34. The transition from an externally contracted service to an internally delivered service will require careful management and may be difficult to achieve before the end of the existing contract. These risks would be mitigated by properly resourcing the work and by exploring short extension period. The risk of legal challenge to a short extension is likely to be low if there is no intention to retender the works.

Analysis

35. The following table summarises the relative performance and risks of the options against these criteria:

Option	Performance	Cost	Statutory Duty
Option 1 – reprocur			
Option 2 - Insource			

36. The performance data for hostels is shown below: -

		CYC Peasholme	CYC Howe Hill	External Union Terrace	External Robinson Court
2021/22	% planned resettlement / successful move on	50%	60%	31%	64%
	Average length of stay	13.2 weeks	18 weeks	32.9 weeks	49 weeks
2022/23	% planned resettlement / successful move on	38%	59%	39%	43%
	Average length of stay	17.7 weeks	18.9 weeks	27.2 weeks	51 weeks
2023/24	% planned resettlement / successful move on	58%	60%	47%	32%
	Average length of stay	27.6 weeks	21.6 weeks	26.6 weeks	49.4 weeks

Financial Implications

37. The current General Fund budget for the resettlement pathway is spread across Adult Social Care and Housing and was initially funded from Supporting People funding, supplemented by additional grant funding.
38. The Adult Community Wellbeing Support Service contract value of £1,098,375, made up of the core contract (£960,175), MEAM service (£61,500) and Housing First service (£76,700). There is also a net budget of £670k for the delivery of in-house services by the Housing team.
39. Below is a high-level summary of the gross and net costs for the two largest elements of the resettlement service – the hostel provision.

	CYC Services		Changing Lives	
	Peasholme	Howe Hill	Union Terrace	Robinson Court
Net Cost	£380k	£203k	£288k	£200k
Beds	23	34	35	19
Net cost per bed	£16.5k	£6k	£8.2k	£10.5k
Weekly Rent	£266.54	£269.34	£424.10	£392.81

40. CYC rents do not contain a charge for the use of the asset, whereas the contracted beds contain a c.£90 per week charge to pay for the rent levied by CYC to pay for the acquisition of the asset. This is allowable under housing benefit rules and needs to be equalised between the hostels. This could bring in additional revenue of c£ 240k per annum.
41. The due diligence undertaken for this report has identified an anomalous position regarding housing benefit subsidy. For externally delivered hostel accommodation, income from Housing Benefits has been eligible for a 100% subsidy from DWP which has meant the whole rent is recovered by the provider. This differs from council operated hostels which have previously been subject to a Local Housing Allowance cap on eligible rent. This anomaly is being explored and the advice we have received indicates that, following changes in DWP guidance, CYC owned hostels are now eligible for 100% rent subsidy. This will be followed up with DWP and is expected to reduce a budget

deficit in the Housing Benefit budget of c. £600k. This is not included in the cost summary above.

42. There has been significant due diligence undertaken, from information provided by Changing Lives in operating the current contract. The Housing team has also considered what team structures and assets would be required to undertake the service if it were to be in-sourced. The table below shows the results of this. It should be noted that these are high level, indicative costs, from information provided.

	Changing Lives £'000	In house Model £'000
Income		
Contract Income	-1,098	
Rent	-1,510	-1,510
Total Income	2,608	-1,510
Expenditure		
Staffing Costs	1,319	1,255
Other Costs	955	945
Lease Costs	334	72
Total Expenditure	2,608	2,271
Net Cost	0	761
Contract Budget		-1,098
Reduced Lease Income		262
Agreed Budget Savings		75
Net Position for CYC	0	0

43. The above table shows that the in-house provision can deliver the service at a net cost of £761k. This is the budget available once the current budget £1,098k is reduced by £75k and the impact of the lost revenue from property rents is considered. As stated above this is indicative and the project team will need to undertake further work as part of the implementation of the project to ensure the service is delivered within the budgetary envelope.
44. It is unknown whether the contract could be reprocurd at the current contract price less the saving agreed, and that will be a significant risk if that option is pursued.
45. In conclusion, this review of performance and cost shows that CYC delivered services achieve better outcomes and that the service efficiencies that could be made would deliver the current service scope

within budget and potentially achieve further savings. It would also enable a long-term transition to the new pathway set out in this report.

Transition

46. The intention is to transition the as-is service, settle it down and undertake further analysis to establish an implementation plan for the new pathway. This will require dedicated, additional short-term resource, funded from existing budgets. Governance arrangements will be put in place involving a multi-agency partnership board, a CMT project board overseeing the work of task and finish groups for workstreams relating to:

-

- Finance
- HR
- Property
- ICT and Information Management
- Operations
- Future pathway development

Looked After Children and Youth Homelessness

47. In the current pathway there are principally two options for young people who become homeless at 16 - 25 as a transition towards a tenancy through resettlement, they are placed either through Safe and Sound Homes (SASH) in supported lodgings or in Howe Hill Hostel. Those who are 16/17-year-old are provided with joint housing and child in need assessment which is backed up by the Joint Housing Protocol which is regularly scrutinised by the Government's Youth Homelessness Advisor. Care Experienced young people in the council's care have a managed transition to independence with the help of the Pathway team. This transition is facilitated through the Council's Allocations Policy for social housing in York and the wider corporate parenting offer is detailed in the Joint Housing Protocol for Care Experienced Young People.

48. The Young People's Community Wellbeing and Support Service is an important part of the offer to Young People at risk of homelessness. It offers a unique model of delivery using host families. The first part of the Service provides up to 12-months of support to young people estranged from their family, including care leavers, through a community model of Supported Lodgings (structured support in a host's home to develop the skills and independence to move into independent accommodation). The second element is a Nightstop service (emergency supported accommodation through a host) for up to 14-nights to assess needs in a

safe environment and re-engage with the family or find suitable alternative provision.

49. The Services for supported lodging for young adults and homeless 16/17-year-olds via SASH and emergency accommodation in someone's home for young people (NightStop) were procured alongside the main Adults Wellbeing contract and are due to expire at the same time.
50. In this financial year, SASH provided Supported Lodgings to 16 Young People. Eight of these young people have moved on, 4 to a positive outcome of either family reconciliation or into settled accommodation. SASH have also enabled 16 young people (100%) to participate in work, education, or training. In 2022/23, the Nightstop Service arranged 88 emergency bed nights for six young people who as a result were able to access more long-term alternatives to homelessness. Since the start of the contract SASH has helped 30 Young People maintain their City of York Council ("CYC") tenancies with no evictions or loss of tenancies. They have delivered this through their offer of floating support to overcome any issues in the first year of tenancy.
51. The current contract was intended to provide a high outcome and high added-value service. SASH's relationship with grant funders enables them to deliver their SASH Active programme which delivers a range of activities and voluntary opportunities to tackle the more complex causes of homelessness within the young people's lives. It also enables additional individual support to their young people such as private counselling, travel costs to apprenticeships and laptops to support further education. However, the reality is that young people with lower support need and therefore risk tend to be accommodated with those of higher need accessing Howe Hill hostel. The intention is to reprocure the service but to get it to focus on keeping more complex young people out of hostel accommodation.
52. In October 2023 there was an amendment to the Care Planning, Placement and Case Review (England) Regulations 2010, which prohibits the placement of a looked after child or care leaver aged 16/17 in any provision which has not been registered with Ofsted. This requires supported accommodation to register under The Supported Accommodation (England) Regulations 2023.
53. Almost all children in care usually leave at or post 18, although some will begin this transition earlier through periods of time in a taster flat (which will now require a registration). In addition, young people who

become homeless at 16/17 require a joint housing and social care assessment which may deem them as requiring ongoing support under section 20 of the Children Act 1989 (Looked After), whilst it remains appropriate that they live in independent supported accommodation. These young people will now need to be in registered accommodation.

54. Howe Hill is a council run hostel which provides accommodation and support to a much wider population of young people, including many who are over 18 and it means this facility would therefore be inappropriate to serve as registered provision. However, it is also recognised that younger more vulnerable adults require more focussed support and should be the targeted group accessing existing provision such as SASH, whilst developing new provision which will meet the requirements of registration and inspection.
55. There is a need for a range of accommodation options due to the varying needs of young people post 16. Some young people will transition into 'trainer flats' through our *Staying Close* Programme supported by *Together WE Can*, however, the offer needs to be broader to support young people who are not ready for this level of independence. The broader offer needs to include Ofsted Registered Provision for those young people who present with a higher level of need.
56. It is also proposed that 89/91 Scarcroft Road, currently part of the Adult Wellbeing contract but owned by the council, is registered with OFSTED for the provision of support services for those young people who need supported accommodation as part of their pathway to independence. This is likely to be young people who present as homeless where it is deemed they need to be cared for by the Local Authority, young people moving on from foster care but not yet ready for full independence, young people who present with a higher level of risk and unaccompanied asylum seeking young people as a stepping stone to independence.
57. It is also proposed that the Young People's Community Wellbeing and Support Service should be reprocured following a review of the specification by officers to ensure that the service provides individual accommodation for homeless young adults and 16/17 with higher support needs as these would usually be placed at Howe Hill under the current arrangements. This will be a better environment for the people involved and allow Howe Hill to provide a safer and more stable environment for the residents undergoing resettlement there.

Policy Basis for Decision

58. The Council Plan highlights that in York the average cost of houses are at least 10 times higher than average earnings and rents rose by 10% in 2021-22. The Council Plan demonstrates this administration's commitment to reducing homelessness by including "number of people sleeping rough" as one of its new key performance indicators. In addition, provision of good quality housing to meet the range of needs across the City's residents is recognised as central to the Council's 2023-27 Plan as part of Core Commitments, Affordability and Health and Wellbeing, and to the vision of "One City, for all".
59. The National Institute for Health and Care Excellence ("NICE") guidelines published last year highlighted that people experiencing homelessness face significant health inequalities: mortality is around ten times higher than the rest of the population and life expectancy is around 30 years less. Barriers to accessing health and social care services are attributed in part to the high numbers of preventable deaths within this population. The Council Plan contains a focus on fairness and health inequalities, with the ambition to reverse the widening trend of health inequalities in our city. It is recognised in the Health and Wellbeing Strategy that housing access and affordability is fundamental in meeting the aims of the Strategy and tackling wider determinants of health.
60. The Council's approved 2018-23 Homelessness Strategy is currently under review. It is expected that the key themes relevant to this proposal will be maintained in the new strategy. This delivers outcomes integral to three of the key strategic aims set out in the document:
- Prevention of homelessness.
 - Ensure appropriate accommodation for people who are homeless or at risk of homelessness.
 - Ensure appropriate support for people that are homeless or at risk of homelessness.

Recommendation and Reasons

61. Executive are asked to:
- i. Agree the principles of the new Resettlement pathway and develop a Homelessness and Rough Sleeping strategy to be reported to a future meeting of the Executive.
 - ii. Approve the insourcing of services previously contracted under the Adult Community Wellbeing Support Service contract, and to implement the new Resettlement pathway to develop residential and support/care

solutions for adults based upon early intervention and personalised support.

- iii. Approve the short-term extension of the current Adult Community Wellbeing Support Service contract by way of a variation to enable a smooth transition to an in-house service, to run absolutely no later than 31 December 2024, and to delegate authority to the Corporate Director of Adult Social Care in consultation with the Head of Procurement and the Director of Governance to determine and conclude the terms of such a variation.
- iv. Approve the commissioning of support services as needed by the pathway following the transition of the residential elements of the current contract, and to delegate authority to the Director of Housing, Economy and Regeneration in consultation with the Head of Procurement and the Director of Governance to take such steps as are necessary to procure, award and enter into the resulting contracts (and any subsequent modifications and/or extensions thereto).
- v. Agree to appoint a temporary project team from existing budgets to manage the service transition and develop a detailed service transition model, and approve the establishment of a governance board to oversee the transition to the new pathway and engage city partners.
- vi. Approve the commissioning of the Young People's Community Wellbeing and Support Service following a review of the specification, and to delegate authority to the Corporate Director of Children's Services in consultation with the Head of Procurement and the Director of Governance to take such steps as are necessary to procure, award and enter into the resulting contracts (and any subsequent modifications and/or extensions thereto).
- vii. Approve that 89/91 Scarcroft Road, currently part of the Adult Wellbeing contract but owned by the council, is registered with OFSTED for the provision of support services for those young people who need supported accommodation as part of their pathway to independence.

Organisational Impact and Implications

62. **Financial**, – included in the report.

63. **Human Resources (HR)**: the contracting in / in-sourcing of a service provision is likely to be deemed a relevant transfer. Where a relevant transfer is deemed to take place the Transfer of undertakings (TUPE) Protection of Employment Regs 2006 as amended by the collective redundancies and transfer of undertakings (Protection of Employment) (Amendment) Regs 2016 automatically applies. TUPE

provides those employees assigned to the entity with certain employment protections which would see them transfer to the Council's employment on their existing terms and conditions. Any transfer would be managed in accordance with the legislation and the Council's policies.

Contract & Commercial Law

64. With regards to the proposed short extension to the current Adult Community Wellbeing Support Service contract, to allow the Council time to transition to an in-house service, there are no further options to extend the term available under the existing contract compliantly. Whilst it is possible to extend the contract from 1st August 2024 until 31st December 2024 by way of a variation to the current contract, this would be outside the provisions of regulation 72 of the Public Contract Regulations and the Council's Contract Procedure Rules. This would carry a risk of challenge from any providers who feel they have not been given an opportunity to bid for the service. It is considered the risk of challenge is low given the proposal is to bring the service back in-house and so it is unlikely a provider would feel aggrieved. With that in mind, when considering whether to approve the proposed extension, Members should ensure that any such extension is kept to an absolute minimum to mitigate the risk of challenge as much as possible.
65. Any additional support services that may need to be commissioned to allow for and/or following the transition from the current contractual arrangements to an in-house service must be done so under a robust and compliant procurement strategy in accordance with the Public Contract Regulations 2015 and the Council's Contract Procedure Rules. Any resulting contracts (and any subsequent modifications and/or extensions thereto post award) will be drafted and concluded with advice from the Council's Legal officers.
66. Any insourcing of the Adult Community Wellbeing Support service is likely to trigger the exit management, TUPE, and pension related provisions under the current contract with Changing Lives. The transition to an in-house service will be managed with advice from legal, finance and HR officers to ensure the relevant contract provisions and the relevant transfer requirements under employment law are followed correctly.

Property Law

67. The Adult Community Wellbeing Support Service contract is operated from Council owned properties at:
- 9 Melbourne Street

- 89/91 Scarcroft Road
- 16/18 Bootham
- 2 Sandringham Street
- Union Terrace
- Robinson Court

68. Upon expiry of the service contract, the Council should ensure that any keys held for the properties, by the contractor are returned and the condition of the properties should be checked to ascertain that the contractor has complied with their obligations pursuant to the leases, regarding maintenance and repair of the properties.

Employment Law

69. Any decision to bring a Service in-house is likely to engage TUPE if the situation meets the criteria for a service provision change, i.e., the activities carried out after the insourcing must be fundamentally the same as those carried out before and there needs to be an organised grouping of employees whose principal purpose was to carry out the activities transferred.

70. If TUPE applies, then any employees will automatically transfer to the Council and retain their existing terms and conditions of employment. This includes their length of service, salary, and any other contractual benefits. The Council would be required to inform and consult with employee representatives from the Service about any measures the Council envisages taking and the legal, economic, and social implications of the transfer for any affected employees. This process must be conducted with sufficient lead time prior to the transfer.

71. Any liabilities associated with the transferred employees, including past employment liabilities, would transfer to the Council. This can include liabilities such as failure to consult or unfair dismissal claims. The Council would need to consider the pension implications of any transferring employees and if necessary, contact the North Yorkshire Pensions Scheme Administrator for advice. This process would also need to be conducted with sufficient lead time prior to the transfer.

72. If the Service is instead put back out to tender, then TUPE would not be of any direct concern to the Council, as it would be neither the

transferor nor transferee. Instead, the Council would act as a conduit for the provision of employee information during the tendering process.

Procurement

73. Due to the current contract having no further extension provisions, there is no ability for the council to compliantly extend the contract. The value of the contract is above the Light Touch threshold £663,540 and therefore requires a new procurement exercise to take place to comply with the council's CPR's and the Public Contract Regulations 2015 (PCR). There are no provisions in the PCR's that the council could rely upon to modify the term of the contract.
74. Whilst there are no direct procurement implications (due to the current contract expiring naturally rather than the council relying on termination), should any procurement or purchasing requirements come to light, these will be procured via a compliant, fair open and transparent process in accordance with the council's Contract Procedure Rules and where applicable, the Public Contract Regulations (soon to be Procurement Act 2023).

Health and Wellbeing

75. There are also significant preventative opportunities to improve health and quality of life, as well as reducing housing issues, through maximising every opportunity to connect individuals in the housing pathway with the drug and alcohol treatment and recovery system. This includes a number of areas of provision commissioned by the council, including:
- Addiction treatment services, including a clinical element focused hosted at 3 Blossom Street.
 - Criminal justice pathways working in tandem with HM Probation services and HM Prison services.
 - Community day recovery, a 12-week service hosted at Bowes Morrell House
 - Bedded services commissioned by CYC out of area, including:
 - Inpatient detoxification
 - Residential rehabilitation
 - The Recovery Hub, a new project which is due to be launched at Wellington Row in 2024
76. There is also a need for the prevention tier of homelessness pathways to include embedded support around Domestic Abuse, which

is part of the programme of DAHA accreditation mentioned above. This includes the facilitation of temporary accommodation, support for housing register applications, resettlement itself, supporting a management transfer / home swapping / mutual exchange, supporting legal options Domestic Abuse clients could access e.g., obtaining an occupation order, safety measures within the home, and of course bedded accommodation through sanctuary (refuge) schemes commissioned by CYC from the provider IDAS.

77. **Environment and Climate action** - Insourcing the services would provide opportunities to review the sustainability standards of the properties that are currently leased out.
78. **Affordability** - The recommendations in this report are seeking to mitigate the impact of welfare changes, the pandemic and now the cost-of-living crisis and resulting impacts on the health and wellbeing of individuals often with complex circumstances and needs, alongside the lack of affordable homes in York. The report provides residential support solutions for those at risk of homelessness alongside a person-centred approach with early intervention and personalised support with the aim of improving outcomes for those individuals and families in the short and long term.
79. **Equalities and Human Rights** - *EIA is attached at Annex C*
- **Data Protection and Privacy**, *all customer data will be transferred from the supplier to the council in line with GDPR regulations*
 - **Communications**, *A communications plan will be developed as part of the transition project.*
 - **Economy**: *Successful resettlement increases the economic activity of the York workforce and promotes the ambition for an inclusive economy*

Risks and Mitigations

80. The current Adult Community Wellbeing and Support Service contract may include employees that may be liable to transfer under the provisions of the Transfer of Undertakings Protection of Employment regulations (TUPE). The risks to the council if those staff liable to transfer under TUPE is not completed in a timely manner and aligned to the applicable Legal advice and TUPE protocols could mean the transition to the new service may not be seamless and our customers could be impacted by the service not commencing on time. This will be mitigated by effective project management and early staff engagement.

81. If the service is retendered there is a risk of procurement challenge until a new contract is in place. Development of a clear timeline for re-procurement will mitigate this risk.
82. There is a risk that a future contract may exceed the current budget or that the cost of inhouse provision exceeds existing budget due to the payment of the living wage. This could be mitigated by a reduction in service levels.
83. There is a risk that if services are reprocured there continue to be ongoing issues with placing complex cases within the new contracted services and it may be difficult to make sophisticated person-centred transitions within the existing service definitions. This is currently a managed risk, but this may become more difficult to resolve if homeless presentations continue to rise.
84. There is a risk that the current service provider refuses to extend the contract. This has been mitigated by early positive engagement.
85. There is a risk that the housing benefit subsidy definitions change, and which will have a significant impact in the cost of the service.
86. There is a risk to either option of increasing homeless presentations. The mitigation for this is to continue with the grant funded homelessness prevention and early intervention works undertaken by the Navigator teams.

Wards Impacted

All wards

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Background papers

All relevant background papers must be listed.

[Executive paper Procurement of the Adult Community Wellbeing and Support Service](#)

Annexes

- Annex A: Adult Resettlement Pathway diagram
- Annex B: Children's Resettlement pathway diagram
- Annex C: Equalities Impact Assessment (EIA)

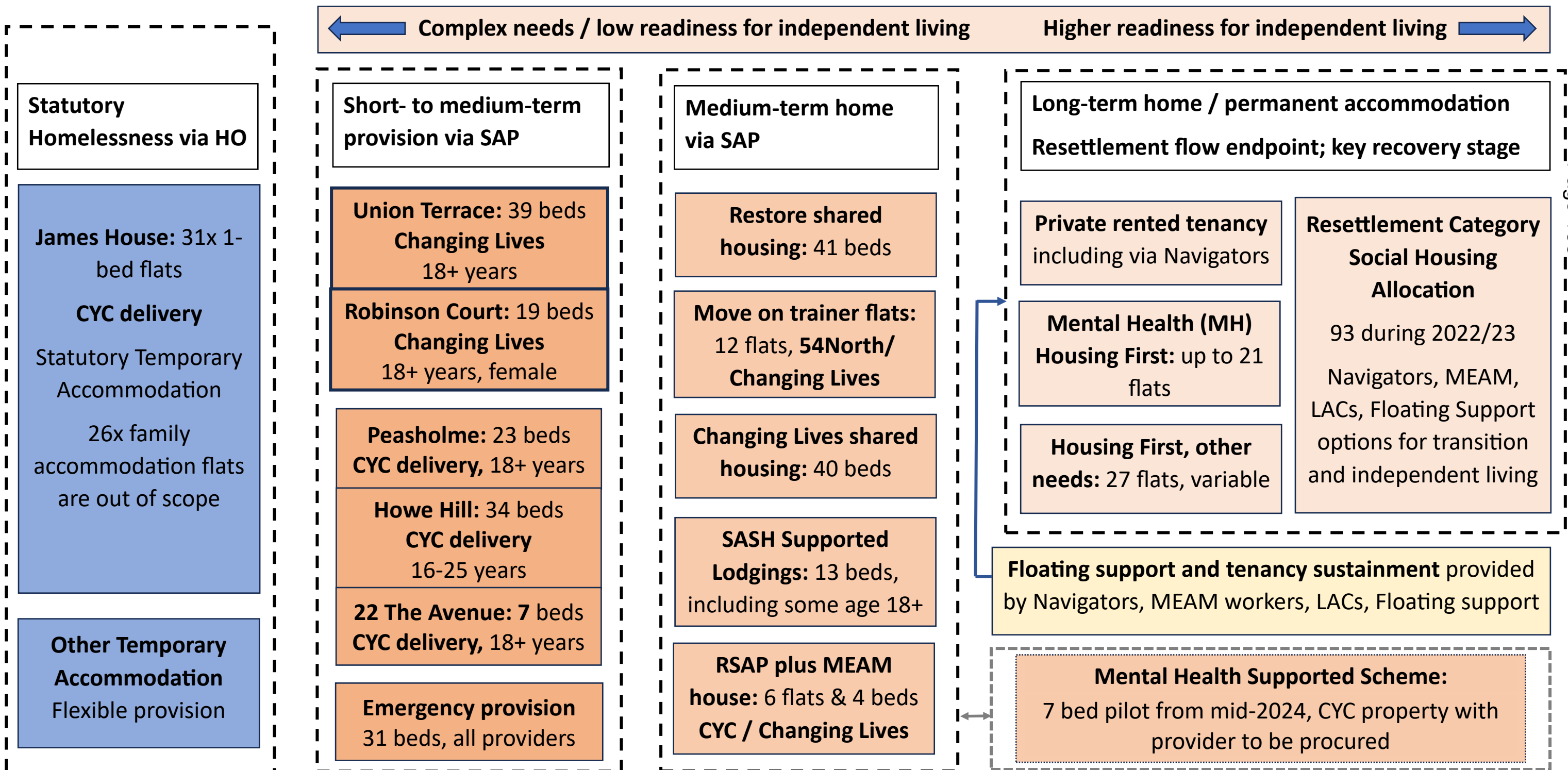
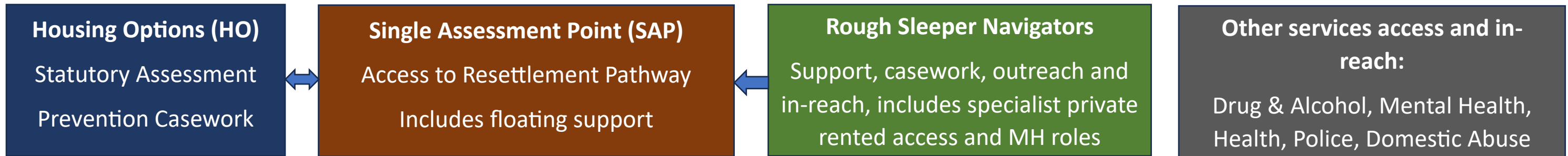
Glossary

- **DWP** - Department of Work and Pensions
- **Housing First:** Permanent accommodation with individualised wraparound support for service users with complex needs, that can be met in the community.
- **Housing Options:** Statutory homelessness decision making and prevention of homelessness casework.
- **HRA:** Housing Revenue Account
- **LACs:** Local Area Coordinators
- **MEAM:** Making Every Adult Matter, an approach to service delivery and the term for several workers supporting homeless people, "MEAM workers"

- **MH:** Mental Health
- **Navigator:** Rough Sleeper Navigators provide intensive support for rough sleeping individuals and those in the process of resettlement following rough sleeping, including the transition to permanent accommodation
- **Rapid rehousing:** Access to a tenancy for individuals who are homeless or facing homelessness, with a minimal time within the resettlement pathway, and often with lower support needs than Housing First tenants.
- **RSAP:** Rough Sleepers Accommodation Project, 6 flats for independent living with support for individuals with complex needs, government funded programme which accords with Housing First principles.
- **SASH:** Safe and Sound Homes, a third sector organisation contracted separately within the Resettlement Pathway
- **TEWV –** Tees Esk and Wear Valley Foundation Trust
- **Tier 1:** Hostel accommodation – 24-hour on-site support
- **Tier 2:** Shared housing with floating support – minimum one hour a week floating support
- **Tier 3:** Longer term housing in the social rented or private rented sector – support can be minimal through to full wrap around multi-agency team.
- **Tier system within resettlement note:** Initial access to a Tier within the service is based on a formal needs assessment using the SAP (Standard Assessment Procedure) needs matrix. It is not a requirement to move through the Tiers, for example Tier 1 service users who are assessed as being ready for move-on can access permanent accommodation with floating support in Tier 3 without any intermediate Tier 2 placement.

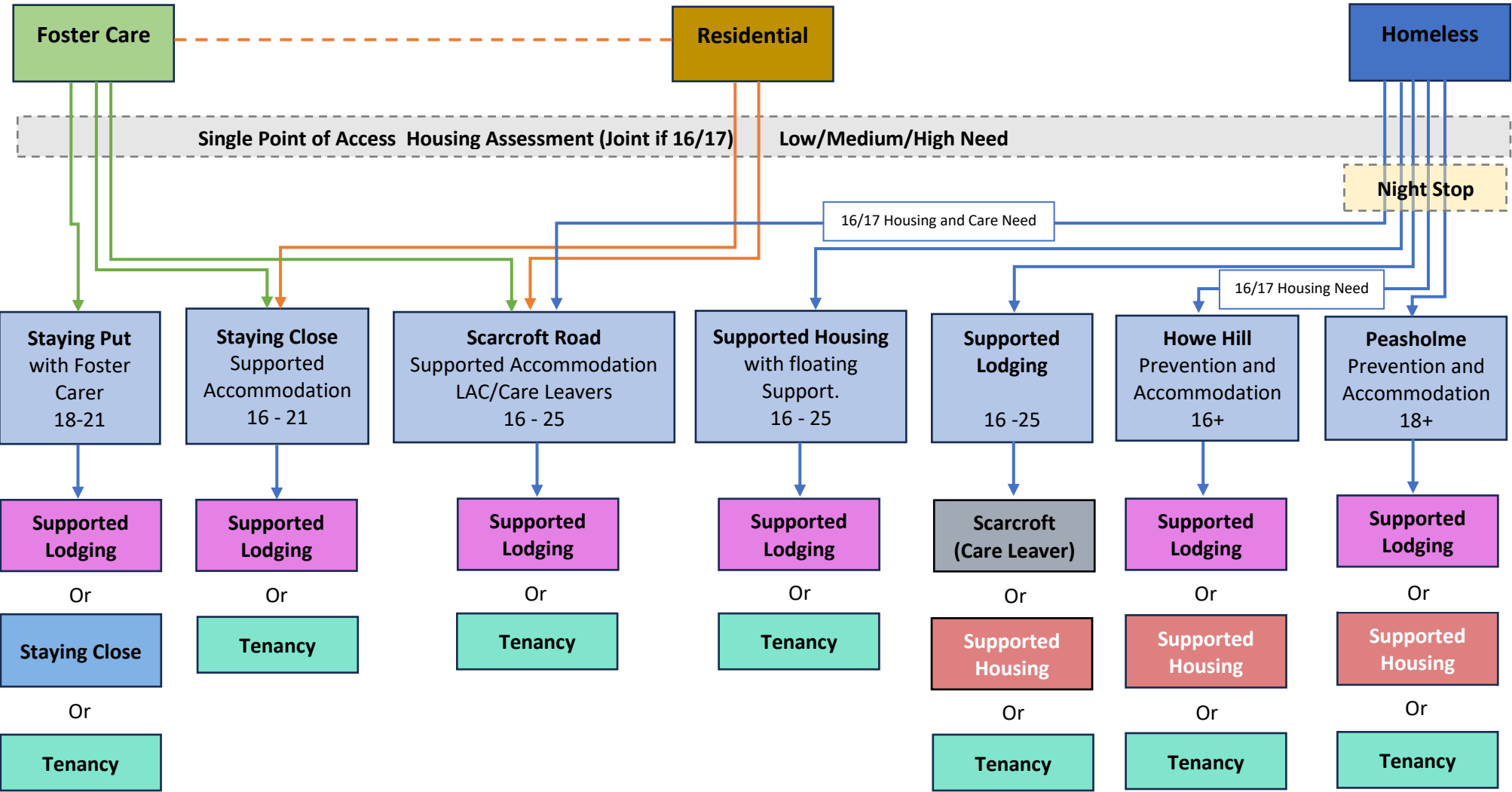
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Homelessness pathways: Resettlement for adults 18+ without children



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Proposed Best Practice 16 to 25 Accommodation Pathway



Families First Principle - To Support Appropriate Growth to Independence and Reduce Risks of Dependence

Long Term outcomes for young people are likely to have greater success through sustained relationships with their family members and important parts of their network. These relationships create a level of resilience that can not be replicated by services. The pathway will therefore maintain a relentless culture of prevention and restoration. **A return to Family Members should always be considered as a priority** upon initial presentation and every subsequent transition within it. All Services should have a proactive approach to restoring fractured relationships.

Long Term Outcomes Resilience Scale



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Meeting:	Executive
Meeting date:	9 May 2024
Report of:	Director of Customer and Communities
Portfolio of:	Executive Member for Finance, Performance, Major Projects, Human Rights and Equalities

Gypsy and Traveller Action Plan

Subject of Report

1. The council's previous Gypsy, Roma and Traveller Strategy ran from 2013 – 2018 (see **background papers**).
2. This report seeks to pull together several existing workstreams into a cohesive new plan for the city. It identifies progress to date alongside a Gypsy and Traveller Action plan for the coming 12 months (**Annex A**).
3. It is intended that an annual report will be brought before the Executive Member and will set out progress against the previous year's actions alongside considering any additional actions for the coming year.

Benefits and Challenges

4. This report seeks to create a cohesive approach to supporting Gypsy and Traveller communities in York. It builds on existing good work which is taking place and seeks to add greater accountability and structure to these workstreams. The action plan sets out several measurable actions for the coming year which aim to improve the outcomes of these communities.

Policy Basis for Decision

5. The new Council Plan, which was adopted in September 2023, contains four core commitments to enable it to deliver the vision for

the next four years. The first of these is 'Equalities and Human Rights - Equality of Opportunity'.

6. The commitment states: 'We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities.'
7. Committing to implementing the Gypsy and Traveller Action Plan across the council, rather than having a standalone strategy, will ensure that officers and Members are considering the challenges these communities may face implementing when policies or designing services, which will contribute to meeting this core commitment.
8. A second of the core commitments is Health and Wellbeing. This states 'We will improve health and wellbeing and reduce health inequalities, taking a Health in All Policies approach, with good education, jobs, travel, housing, better access to health and social care services and environmental sustainability.'
9. As Gypsy and Traveller communities are groups which face some of the most considerable health inequalities, a Health Needs Assessment (**Annex B**) and subsequent planned work will seek to address this.

Financial Strategy Implications

10. The action plan can be delivered within existing resources. The newly appointed Accommodation Officer (approved in March 2023) is funded within service budgets and the 2024/25 budget added £50k for an Equalities Manager. Future investment at current and proposed Gypsy and Traveller Sites will require approval as part of future budget reports.
11. Improving the outcomes for these communities can bring longer term budget savings for the council and other public bodies across the city.

Recommendation and Reasons

12. Executive is asked to:
 - I. Approve the action plan at Annex A
 - II. Note that further mapping to understand where Gypsy and Traveller communities may be living within the city, and wider consultation, will take place over the next 12 months as per the action plan.
 - III. Agree that annual updates will be considered at the Decision Session of the Executive Member for Finance, Performance, Major Projects, Human Rights and Equalities.

Background

13. Gypsies and Travellers are one of the most marginalised and disadvantaged of all minority groups nationally. Gypsies and Travellers suffer significant inequalities across a range of indicators, including access to suitable accommodation, healthcare, education, employment, financial services, and policing, justice, and probation.
14. To address such inequalities, a 'Gypsy, Roma, and Traveller Strategy' was developed by the City of York Council for the period 2013-2018. This presented six themes, which sought to improve outcomes through education, health and wellbeing, accommodation supply and standards, community safety, employment and financial inclusion, and community engagement and partnerships. The strategy had a focus on partnerships, whereby multiple agencies would work together to support one of the city's biggest minority ethnic groups.
15. In 2021, a Gypsy and Traveller Working Group was established ([Gypsy and Traveller Working Group and Action Plan – City of York Council](#)) in partnership with York Travellers Trust. The group seeks to address the inequalities that the Gypsy and Traveller community face. The vision is to work towards ensuring that Gypsies and Travellers experience an inclusive, fair, and understanding community in York.

16. As a result, several action plans have since been created. This approach was felt to be a more effective way of supporting these communities, rather than merely a refresh of the previous strategy.
17. There is debate around use of the updated designation 'Gypsy, Traveller, Roma, Showmen and Boater Communities'. Discussion with York Travellers Trust, and members of the Working Group took place around this, and it was decided this is not the terminology the working group currently wish to use. As further consultation takes place the group will consider representations on this.
18. The Showmen's Guild states that its members are 'travelling showmen who gain their livelihoods by attending funfairs'. In a similar vein, Boaters are people who have made a lifestyle choice to live on a boat. This is different to the distinct identity and culture of Gypsies, Travellers, and Roma.
19. The group have not included Roma at this current time as we have not done enough mapping to fully understand the needs of this distinct community. Where the council is supporting Roma residents it is through the Minority Communities team and the 'Our City' migrant hub. This will be kept under review and reconsidered once we have the results of the mapping exercise.

Housing

20. A report was considered by Executive (see background papers) in March 2024 which detailed plans to deliver additional pitches and improve existing facilities on City of York Council owned traveller sites.
21. Actions signed off at that meeting are contained within the action plan for the next 12 months.

Education

22. The Gypsy and Traveller Working Group Education Action Plan was created in July 2021, and last reviewed in July 2022. It seeks to ensure that:
 - Gypsy and Traveller students are not overly represented in home education or exclusion figures compared to other groups.

- Gypsy and Traveller families who are Electively Home Educated can provide the necessary evidence that an appropriate education is being provided.
- Evidence of improved relationships between school settings and Gypsy and Traveller families in contact with the council and York Travellers Trust

Health

23. In August 2023 a Health Needs Assessment was undertaken by Public Health in support of the Gypsy and Traveller Working Group.

24. The aims of this assessment were:

- To provide an evidence base to support the improvement and development of current and future health services.
- To provide a baseline profile of the health needs of this population, and ensure services are developed in ways that meet their needs and are easily accessible.
- To gain an understanding of the experience of service providers' working with these communities.

25. Amongst the recommendations from this needs assessment, there are a number relevant in the formation of this action plan:

- Develop closer relationships between York Travellers' Trust and partners to gain further insights into the health and wellbeing of members of these communities.
- Health services to work with York Travellers' Trust to provide resources and information that can be easily accessed by the Gypsy and Traveller communities. These may include resources written in plain English, photographs representative of the communities, or delivered in different formats, such as audio and information sessions. Topics would include various health topics, including accessing the most relevant health services for a specific health condition, information around diseases and conditions commonly experienced by the communities, and immunisation and vaccination.
- Build a greater awareness amongst health care professionals of the challenges an increased reliance on technology can pose to

the communities for appointment-making, test results, and other communication. Advise that more traditional forms of communication should still be used.

- Collectively, partners should consider their response to the findings of the Office of Health Improvement and Disparities 2021/2022 report into the health needs of Gypsies and Travellers. These include:
 - providing health information and resources provided in accessible format
 - providing mobile outreach clinics
 - providing peer-led efforts to improve cohesion between community members and health services.
 - providing flexible health services to allow for care despite no fixed address has also been suggested.
 - providing GP access cards to navigate literacy barriers
 - better understanding for staff of community culture, with better communication and empathy leading to better engagement and trust.

Community Safety

26. The Gypsy and Traveller Working Group Community Safety Plan was created in October 2021, and last reviewed in October 2022. It seeks to ensure that:

- Improve the way we gather information on crimes linked to Gypsy and Traveller communities (victims and offenders), paying special attention to hate crime; this information will highlight the types of crime where these communities are over-represented and under-represented, where hate crime is happening which can help us to work together to help solve these issues.
- Increase the reporting of hate crime towards Gypsy and Traveller communities.
- Continue to increase understanding and respect between Gypsy and Traveller communities, the police and council enforcement teams.

- Increase awareness of domestic abuse, what domestic abuse is and how it affects families within Gypsy and Traveller communities; this work is also taking place across the settled community in York.
- Consider the impact of Part 4 of the Police, Crime, Sentencing and Courts Bill and make a commitment that roadside stopping will continue to be dealt with in a reasonable and balanced manner by the police and the council across York.
- Make sure there is continued respect for the communities' ethnic identity and of the protections offered under Equality Act 2010, and under Section 8 of the European Convention on Human Rights (right to respect for private and family life)

Communities and Equalities

27. The Cultural and Integration Partnership Manager (previously Community Involvement Officer for Minority Communities) within the communities team is a key part of the Gypsy and Traveller Working Group.
28. Moving forward this role will work closely with the new Equality, Diversity and Inclusion role and other members of the group to do a more comprehensive piece of work to map the various Gypsy, Roma and Traveller Communities within the city.
29. The communities team will continue its work supporting the Travellers Trust in its work in relation to food support, community development activities and support to children and young people.

Consultation Analysis

30. Relevant Executive Members, along with senior officers, have met regularly with the York Travellers Trust via the working group to develop this report, including the Health Needs Assessment undertaken by Public Health.
31. An action within the plan is to work alongside York Travellers Trust to begin a mapping exercise to better understand where our

Gypsy and Traveller communities are in York (incorporating Roma communities).

32. This will enable us to undertake future consultation on this rolling action plan more widely than is currently possible.

Options Analysis and Evidential Basis

33. The two options Executive could consider in respect of this report are below:

1. To accept the recommendations at paragraph 11.
2. To choose not to implement the recommendations.

Organisational Impact and Implications

34.

- **Financial** – The action plan can be delivered within existing resources. The newly appointed Accommodation Officer (approved in March 2023) is funded within service budgets and the 2024/25 budget added £50k for an Equalities Manager. Future investment at current and proposed Gypsy and Traveller Sites will require approval as part of future budget reports.
- **Human Resources** - An additional post is being created (with resource included in the 24/25 budget) to lead Equalities, Diversity and Inclusion in the council, including work to support the Gypsy and Traveller Communities. This renewed focus on training, inclusive practice and language will positively impact staff as well as residents.
- **Legal** – As this decision will likely impact more than one ward within the city it should be classed as a Key Decision per Article 7.3 of the City of York Council Constitution. The Executive are therefore the appropriate body to take any decision related to the matters discussed in this report.

Article 7.2.1 of the City of York Council Constitution requires that all decisions taken on and behalf of the Council will made respect for human rights and equality of opportunity, and this includes those from Gypsy and Traveller communities.

- **Procurement** – There are no direct procurement impacts contained in this report. However, protected characteristics can be focused upon when considering social value in procurement and the new Human Rights and Equalities Analysis Tool currently under development will be used prior to starting a procurement exercise.
- **Health and Wellbeing** – The United Kingdom is a signatory to the International Covenant on Economic, Social and Cultural Rights. This means the United Kingdom is bound, in international law, to protect the right to health.

A Council Plan core commitment is Health and Wellbeing. This means reducing health inequalities, taking a Health in All Policies approach, with good education, jobs, travel, housing, better access to health and social care services and environmental sustainability.

The Health Needs Assessment (**Annex B**) gives the Public Health Team the baseline data to support the improvement and development of current and future health services.

- **Environment and Climate action** - In a resolution of 8 October 2021, the United Nations Human Rights Council recognised that access to a healthy and sustainable environment is a universal right. Although nonbinding, this resolution could be a first step towards filling a significant gap in international law. City of York Council should ensure that the financial burden of climate action is not carried by those groups who can least afford it, and this will include some members of Gypsy and Traveller communities. It will also be important to balance changes to more sustainable ways of working (transport etc), with the preservation of a distinct culture and way of life.
- **Affordability** – Article 25 of the Universal Declaration of Human Rights states *‘Everyone has the right to a standard of living adequate for the health and well-being of themselves and of their family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.’*

Implementing this action plan will allow City of York Council to ensure that this core commitment within the Council Plan is met

for Gypsy and Traveller communities, so that everyone who lives in York benefits from the success of the city. This also ensures targets support to those who need it most and supports Gypsy and Traveller communities to build on their own strengths and draw on those of the people around them.

- **Equalities and Human Rights** - The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

The Race Relations Act (1976, amended 2000) and the Equalities Act (2010) legally recognise Gypsies and Travellers as ethnic groups and thus protected from discrimination.

The attached action plan seeks to address the significant inequalities Gypsy and Traveller communities in York face. However, this is not a standalone strategy. The intention is that Gypsy and Traveller communities will be considered in every policy, strategy and service change and Equalities Impact Assessments (to become Human Rights and Equalities Analysis) will take place where appropriate.

- **Data Protection and Privacy** - Data Protection Impact Assessments are an essential part of our accountability obligations and is a legal requirement for any type of processing under United Kingdom data protection and privacy legislation. Failure to carry out a Data Protection Impact Assessment when required may leave the council open to enforcement action, including monetary penalties or fines.

Data Protection Impact Assessments help us to assess and demonstrate how we comply with all our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.

The Data Protection Impact Assessment screening questions were completed for this report and as there is no personal, special categories or criminal offence data being processed for the options set out in this report, there is no requirement to complete a Data Protection Impact Assessment at this time. However, this will be reviewed where required, on the approved options from this report.

Communications - The communications service annual plan is being developed to take account of the commitments of the newly adopted council plan, 'One City for all', and consequently work done by the council to create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths will be intrinsic to communications activity.

- **Economy** - There are no direct economic impacts contained in this report. However, Article 23 of the Universal Declaration of Human Rights states '*Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*' By working both internally and externally to reduce inequalities for these communities, City of York Council may increase opportunities for those who wish to access employment or volunteering.

Risks and Mitigations

35. Should the actions in this report and action plan not be delivered, the council would risk not fulfilling its responsibilities under the Equality Act 2010.
36. A failure to move forward with clear actions to improve outcomes for Gypsy and Traveller communities would significantly impact the Council's ability to deliver on its key commitment to Human Rights and Equalities and allow barriers currently impacting these communities to continue unchallenged.

Wards Impacted All

Contact details:

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Date:	29 April 2024

Lead Officers (Action Plan)

Communities – Bianca Vartic, Cultural and Integration Partnerships Manager

Community Safety – Tanya Lyon, Community Safety Manager

Education – Dan Bodey, School Inclusion Adviser & Deputy Headteacher of the Virtual School

Housing – Michael Jones, Head of Housing Delivery and Asset Management

Public Health – Peter Roderick, Director of Public Health

Background papers

The York Gypsy, Roma and Traveller Strategy 2013- 2018 [York Gypsy Roma and Traveller Strategy 2013-18 CMT 23.05.13](#)

‘Delivering Additional Gypsy and Traveller Accommodation and improving Facilities’, Executive, 14 March 2024 ([Public Pack](#))[Delivering additional Gypsy and Traveller Accommodation and improving existing facilities Report Updated Agenda Supplement for Executive, 14/03/2024 17:30 \(york.gov.uk\)](#)

Annexes

Annex A – Gypsy and Traveller Action Plan

Annex B – Gypsy & Traveller Health Needs Assessment: A Rapid Assessment of the Health Needs of York’s Gypsy and Traveller Population

Abbreviations

The use of abbreviations in council papers is a barrier to access for many. As such, there are no abbreviations contained in this document.

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Gypsy and Traveller Working Group

ACTION PLAN 2024

Updated: April 2024

Housing

Action	Information	Update	Timescale	Owner
1. Surveys.	<ul style="list-style-type: none"> Complete the stock condition and energy efficiency surveys. 	Work is commissioned	Information expected May 2024	Head of Housing Delivery
2. Providing Grants	<ul style="list-style-type: none"> Provide grant funding to York Travellers Trust to enable the hosting of three family fun dates at the three travellers' sites to encourage engagement in energy retrofit, and to undertake a 	Approved by Executive in April 2024 – draft funding agreement to be finalised in coming weeks with events to take place this year.	Funding agreement to be finalised in May 2024	Head of Housing Delivery

Annex A

	workshop providing energy retrofit advice to the housed Traveller community.			
3. Accommodation Officer	<ul style="list-style-type: none"> Employ a dedicated accommodation officer who will be responsible for delivering new pitches and developing a business case for investment into existing sites and pitches. 	Recruitment process underway	Successful candidate to begin this Summer	Head of Housing Delivery
4. Future Site Investment	<ul style="list-style-type: none"> Developing the business case and bringing an investment proposal to Executive noting the agreement in principle to forward fund £5m of investment into our G+T accommodation offer. 	There are likely to be a number of decisions relating to investment. The first of these will be to respond to any issues identified in the stock condition survey followed by further reports covering general improvements to existing sites the creation of new pitches.	First investment report due in Autumn 2024	Head of Housing Delivery

Annex A

Communities & Equalities

Action	Information	Update	Timescale	Owner
1. Anti Racism	<ul style="list-style-type: none"> Ensuring that the Anti-Racism Work being undertaken in the Council and in partnership across the city has a specific focus on racism toward Gypsy and Traveller Communities. 	<ul style="list-style-type: none"> Work ongoing to look at system transformation, asking ourselves if our practices, policies, processes, and services are actively anti-racist. 	Ongoing to April 2025.	Assistant Director Customer, Communities and Inclusion
2. Human Rights	<ul style="list-style-type: none"> Making sure that the specific culture and way of life of these groups is considered when making changes to policies or services that may impact on their human rights. Recognising this when developing the new Human Rights and Equalities Analysis Tool. 	<ul style="list-style-type: none"> Reconvened Human Rights and Equalities Board me for the first time in April. The Human Rights and Equalities Analysis Tool in currently under development and being tested on a live issue in collaboration with the Centre for Applied Human Rights. 	Ongoing to April 2025	Assistant Director Customer, Communities and Inclusion

Annex A

3. Mapping	<ul style="list-style-type: none"> Working with York Travellers Trust begin a mapping exercise to better understand where our Gypsy, Roma and Traveller communities are in York. 		Ongoing to end of 2024	Cultural and Integration Partnership Manager
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Health

Action	Information	Update	Timescale	Owner
1. Strengthen our partnership approach to health protection	<ul style="list-style-type: none"> Work to increase knowledge and awareness of national seasonal vaccination campaigns and childhood immunisation schedule, and support community members to access vaccination Increase uptake of key cancer screening programmes – cervical, bowel and breast. Engage with York Travellers Trust as part of outbreak planning 		Ongoing to Feb 26	Nurse Consultant in Public Health

Annex A

	and during local outbreaks and incidents, to build community trust			
2. Build culturally-sensitive approaches to improving the health of people in the Gypsy and Traveller community	<ul style="list-style-type: none"> • Implement an outreach model of child health, delivered by an Advanced Nurse Practitioner, from the Family Hubs specifically working with the community. • Build on the HNA to gather further data and evidence on improving health and wellbeing, in order to recommend effective interventions for reducing health inequalities 		Ongoing to Feb 26	Director of Public Health
3. Influence Health partners around access to care	<ul style="list-style-type: none"> • Work with York Travellers' Trust to ensure health settings in York have resources and information that can be easily accessed by the Gypsy and Traveller communities. These may include resources written in simple English, photographs representative of the 		Ongoing to Feb 26	Director of Public Health

Annex A

	<p>communities, or delivered in different formats, such as audio and information 24 sessions. Topics would include various health topics, including accessing the most relevant health services for a specific health condition, information around diseases and conditions commonly experienced by the communities, and immunisation and vaccination.</p> <ul style="list-style-type: none">• Build a greater awareness amongst health care professionals of the challenges an increased reliance on technology can pose to the communities for appointment-making, test results, and other communication. Advise that more traditional forms of communication should still be offered			
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Annex A

Community Safety

Action	Information	Update	Timescale	Owner
1. Roadside Stopping/unauthorised encampments.	<ul style="list-style-type: none"> Work with York Travellers Trust to review our approach to Roadside Stopping/Unauthorised encampments. 	<ul style="list-style-type: none"> Meeting to be held with York Travellers Trust to review the existing unlawful encampment enforcement procedure. Look to identify a parcel of that land might be used for Negotiated Stopping arrangements 	Ongoing to Feb 2025	Community Safety Manager
2. Multi-Agency work on static sites	<ul style="list-style-type: none"> In partnership with York Travellers Trust produce an accessible version of the Travellers Site licence agreement. Work to improve relationships and increase trust between the GT community and enforcement agencies such as the council's Neighbourhood Enforcement Team and North Yorkshire Police. Have a regular and supportive presence on the static sites, taking an educational approach to ensure 	<ul style="list-style-type: none"> A framework document has been produced. Pending York Travellers Trust availability. These arrangements will commence in tandem with the launch and promotion of the accessible licence agreement. 	Ongoing to Feb 2025	Community Safety Manager

Annex A

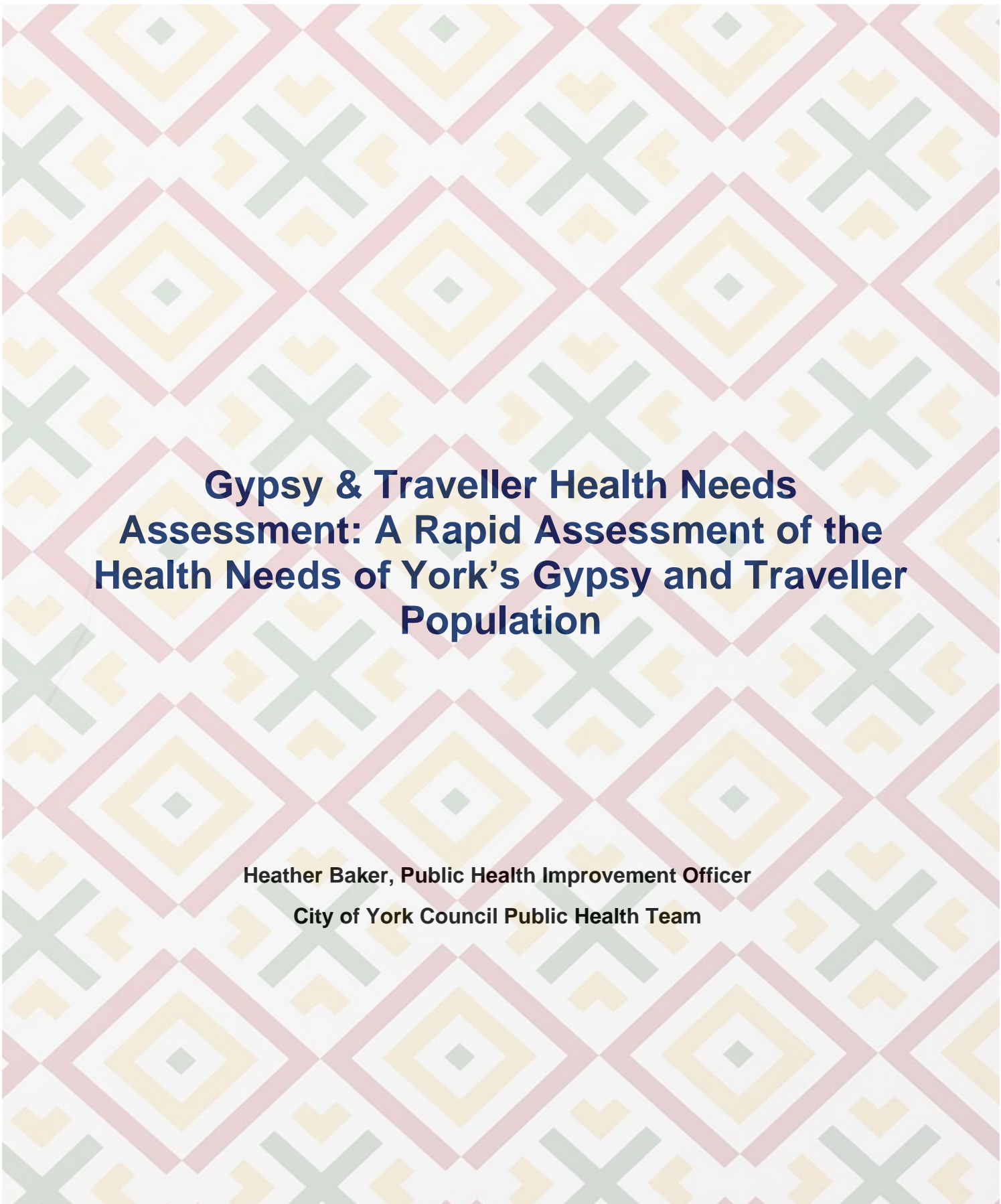
	<p>people are aware of their responsibilities for issues such as waste management, fly-tipping, Scrap Metal Dealing and dogs, while at the same ensuring people are aware of the penalties for non-compliance.</p>	<ul style="list-style-type: none"> Improving relationships and increasing trust should increase as a result of this work. 		
3. Hate Crime	<ul style="list-style-type: none"> York Travellers Trust is a member of the multi-agency York Hate Crime Partnership and a Third Party Reporting Centre. The group will work with YTT to identify and address any specific needs in relation to the Gypsy Traveller community. To ensure coordination of work to address issues such as misogyny across the Domestic Abuse and Violence Against Women and Girls work-streams. 	Ongoing to Feb 2025	<ul style="list-style-type: none"> Work to review accessibility and raise awareness of Third Party Reporting Centres is to be undertaken. Work with Public Health/All About Respect initiative (positive Healthy relationships 18-25 year olds) 	York Hate Crime partnership/Community Safety Manager

Annex A

Education

Action	Information	Update	Timescale	Owner
1. Provision	<ul style="list-style-type: none"> Work to support development of Education Provision at YTT for English and Maths for G&T Children and Young People who are Home Educated 	<p>Exam Centre identified</p> <p>York College offer has been removed pre 16</p>	Already ongoing	Scott Butterworth/Abigail Darton/Dan Bodey
2. Partnership	<ul style="list-style-type: none"> Funded supported work between CYC Education team and YTT to support interactions with schools 			Scott Butterworth/Abigail Darton/Dan Bodey
3. Research	<ul style="list-style-type: none"> Provided information to YTT funded research project led by York St John University around the experience of G&T Children and Young people in York schools 	Report and recommendation to be published in May 2024		Scott Butterworth/Abigail Darton/Dan Bodey

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**Gypsy & Traveller Health Needs
Assessment: A Rapid Assessment of the
Health Needs of York's Gypsy and Traveller
Population**

**Heather Baker, Public Health Improvement Officer
City of York Council Public Health Team**

Foreword from Violet Cannon, Traveller's Trust

York Travellers Trust is delighted with the results of this needs assessment, our first formative step to create a fairer, more accessible health care system in York for our community.

We see this work as a starting point of a relationship where we work together to ensure health care in York is made better not just for the Gypsy and Traveller community, but for all York residents.

Now that York recognises the poor health outcomes of Gypsy and Traveller Communities, we can work together – both the statutory and voluntary sector – to find solutions that benefit York Travellers Trust clients by creating inclusive services and generating health benefits for all York Residents.

Violet Cannon

Director and CEO, York Traveller's Trust

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Guide to This Assessment

This assessment focuses on Romany Gypsies and Travellers, known throughout as Gypsies and Travellers. Roma members have not been included in this analysis as the communities is very small with little data; it is hoped that in the near future, a health needs assessment could be undertaken specifically for this group.

This assessment provides a comprehensive insight into the health needs of Gypsies and Travellers and includes some local quantitative research undertaken in 2022 and 2023. It also talks about some limitations, including gaps in the data set. Presentations of key findings will accompany in due course.

Who Should Read this Assessment?

This assessment will be public facing and serve as a comprehensive guide to the health needs of the local Gypsy and Traveller communities to all members of the public. It is hoped that the report will be utilised by any organisation or department which wishes to understand the issues raised and work to improve the living experiences of the Gypsy and Traveller communities in York.

Partners involved in this Needs Assessment

York Travellers' Trust¹ is a registered charity, established in 1999, that gives support, advice and advocacy to the Gypsy and Traveller communities in York. The Trust also acts as a conduit between service providers and York residents which aims to allow increased understanding between communities in order to facilitate better community cohesion. The Trust provides many activities and resources, including a Community Food Share which is available to everyone in need and not restricted to the Gypsy and Traveller Communities. Mental health and wellbeing is also supported with a weekly Catch Up Club as well as individual and group sessions led by an Integrative Wellbeing Support Worker. The Trust also liaises with other agencies including the Police, education, and housing services. Six people are employed by the Trust with core funding coming from charitable donations. There is no funding from the NHS currently.

The Public Health Team led on the writing of this HNA, and are extremely grateful to York's Travellers' Trust for their collaboration with us, and the

¹ [York Travellers' Trust](#)

opportunities to attend their workshops and meet members of the communities.

Executive Summary

This health needs assessment (HNA) presents the findings of unmet need within York's Romany Gypsy and Traveller communities. Evidence suggests that these communities experience worse health outcomes, live shorter lives than the rest of the population, and are less likely to receive continuity of healthcare which addresses their needs.

There is a lack of local quantitative and qualitative data that adequately describes the health needs of this community, or that provides accurate representation of the number of Gypsies and Travellers living in York and where they are located. Recent workshops organised by York Travellers' Trust have provided some insight into lived experiences; however more is required to better understand specific health and wellbeing challenges.

These communities experience racism and discrimination which often extends to their experiences with professional services, such as the police, council and healthcare professionals. As such, Gypsies and Travellers understandably express low levels of trust in service providers and, fear that reaching out for help can make some situations worse (for example, due to a fear of intervention by social services in the event of seeking help for childhood illness).

Actual and perceived discrimination from statutory services can lead to adverse health impacts, for instance through missed opportunities for preventive / early interventions which the rest of the population benefit from. This can result in the development of higher rates of chronic diseases, including mental ill health, higher morbidity rates, high accident rates, and higher levels of infant mortality.

A number of Gypsies and Travellers also live in "bricks and mortar" housing, though their locations are largely unknown and their needs are even hard to pinpoint. Some residents express feelings of disconnection from their families and the community, which again can lead to poor physical and mental health

Provision of accommodation at Travellers sites has the potential for adverse health impacts, for instance through exposure to overcrowding, or from air pollution from diesel generators.

Definitions

- Gypsies and Travellers are not a homogenous group rather they encompass a range of ethnic groups with distinctive histories, beliefs and cultures.
- Approximately 300,000 Gypsy, Roma and Traveller people reside in the UK.² In York, approximately 368 residents identified as Gypsy or Traveller in the Census 2021. There are likely to be significantly more.
- Gypsies and Travellers face some of the most marked health inequalities compared to other ethnic minority groups.
- Travelling was reported to be a crucial part of the identity of these communities and is strongly driven by family ties.
- Overcrowded sites and housing that is difficult to heat, and environmental factors are some of the most influential contributing factors to the poor health status of Gypsies and Travellers in York, including stress.

The Health and Social Care Act 2012 details legal duties on health inequalities aiming to:

- a. Reduce inequalities between patients with respect to their ability to access health services
- b. Reduce inequalities between patients with respect to the outcomes achieved for them by the provision of health services

Gypsies and Travellers

Gypsies and Travellers are diverse ethnic groups with distinct cultural practices and traditions. They face various challenges, including discrimination, marginalisation, and lack of access to basic services such as healthcare and education.

Efforts have been made to address the challenges faced by these groups, including the provision of culturally appropriate services, anti-discrimination laws, and efforts to increase access to education and employment. However, more needs to be done to ensure that these communities can live free from discrimination and enjoy the same rights and opportunities as the rest of society.

² Included are Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers, Boaters, Travelling Showpeople and Roma people.

Despite these efforts, discrimination and prejudice still exist:

- Discrimination against these groups is often based on stereotypes and misconceptions about their lifestyle and culture. For instance, Travellers are sometimes unfairly associated with criminal activities or seen as a burden on the settled communities.
- Lack of access to education is a significant barrier for Gypsy and Traveller children. Many face discrimination and bullying in mainstream schools and are sometimes unable to fully participate in the curriculum due to their nomadic lifestyle.

It is society's responsibility to work towards understanding and respecting the culture and way of life of Gypsies and Traveller with a focus on improving access to education, employment and healthcare, whilst combating discrimination and prejudice. By addressing these often deep-rooted challenges, a multifaceted approach is required that involves a greater understanding and involvement of the need of the communities.

Romany Gypsies

It is generally agreed that the Romany Gypsy communities originate with a group or groups of people who left India over a thousand years ago and dispersed across the globe. Along the way they were defined (usually by others) as being 'Egyptian' and this has become shortened to Gypsy. Romany Gypsies are believed to have originated from India and migrated to Europe in the 14th century. They have a rich cultural heritage that includes music, dance, and storytelling. However, they have been subject to discrimination and persecution throughout history, including the Holocaust during World War II. Gypsies began occurring in UK records in the 16th Century and have settled here ever since. Romany is the word that Gypsy people in England and Wales apply to themselves hence the term 'Romany Gypsy'. Romany Gypsies are recognised as an ethnic minority group in UK Law (Race Relations Act (amended) 2000 and Equalities Act 2010).

Please note, the term 'Romany Gypsy' must not be used to describe more recent incomers to the UK from Central and Eastern Europe. This group should be described as 'Roma'. Confusion or conflation of these terms can cause deep offence to both groups.

Irish Travellers

Irish Travellers have a different ethnic background but they do have much in common in terms of lifestyle and to some extent shared history with

Romany Gypsy and Scottish Gypsy Traveller people, have a different ethnic route and do not come originally from India but Ireland.

Scottish Gypsy Travellers

Travelling people in Scotland, whilst sharing much in common with other Travelling groups have recently been recognised as a separate ethnic group in Scotland. The origins of Scottish Gypsy Travellers may be linked to Romany Gypsies and Irish Travellers as well as having some distinct routes of their own. It is believed that the first Romany Gypsy people in the British Isles were in Scotland.

All of these groups are characterised by a strong sense of community, distinctive values, and to some extent a nomadic lifestyle. They each face numerous challenges, including inadequate accommodation, poor health outcomes, and prejudice from the settled communities.

[Race Relations Acts, 1976](#)

The Race Relations Act (1976, amended 2000) and the Equalities Act (2010) legally recognise Gypsies and Travellers as ethnic groups and thus protected from discrimination. Gypsy and Traveller communities are known to face some of the worst health inequalities in healthcare access and health outcomes, especially when compared with other minority groups. These reasons are complex and include the impact of stigmatisation and discrimination as well as the broader social determinants of health.

The Equality Act 2010 stated public bodies must comply with public sector equality duty. Public authorities must have due regard or think about the need to:

- a. Eliminate unlawful discrimination
- b. Advance equality of opportunity between people who share a protected characteristic and those who don't
- c. Foster or encourage good relations between people who share a protected characteristic and those who don't

The 2019 Women and Equalities Committee inquiry "Tackling Inequalities faced by Gypsy, Roma and Traveller Communities" emphasises these communities facing the starkest inequalities of any ethnic group and that persistent failure by both national and local policy-makers has failed to tackle inequalities in sustained ways.

City of York Council has pledged to be an anti-racist council with hopes for York to become an anti-racist city. Partnership work with the Black, Asian and Racially Minoritised Communities (BARMC) will lead to the development of an anti-racist plan to address racial inequality and improve opportunity and access to services and employment. Additional work will involve:

- education around the history and impact of racism and discrimination in our society, and actively work to identify and challenge racist attitudes and behaviours
- create and maintain safe and inclusive spaces for all members of the York communities, regardless of race, ethnicity, religion, gender identity, sexual orientation, or ability
- support and amplify the voices of marginalised communities and work to ensure that their needs and concerns are heard and addressed

Key Findings of this HNA

- The health status of Gypsies and Travellers is much poorer than that of the general population in similar economic circumstances. On average, the health status of Gypsies and Travellers is worse than that of other ethnic minority groups³.
- Poor access to, and uptake of, health services is a major factor in Gypsy and Traveller health.
- The health of Gypsies and Travellers is often not mentioned because the communities are generally not included in data sets.
- Examples of good practice exist (in Leeds, for example), but these need to be funded and replicated across more localities.

Key inequalities identified in this HNA

- Gypsies and Travellers live between 10 and 25 years less than the general population.⁴

³ [Microsoft Word - GT final report for web.doc \(bemis.org.uk\)](#)

⁴ [Equality and Human Rights Commission., Gypsies and Travellers: Simple Solutions for Living Together](#)

- Gypsies and Travellers have a significantly higher prevalence of long-term illness, health problems or disabilities, which limit daily activities or work.⁵
- The health of a Gypsy or Traveller in their 60s is comparable to an average White British person in their 80s.⁶
- An All Ireland study⁷ found that suicide prevalence is six times higher for Irish Traveller women than women in the general population, and seven times higher for Traveller men.

I think nowadays, there needs to be... a bit more knowledge of Gypsies and Travellers. That's what it is... They need to be able to pick up on...how we say things. I mean, I can say I've got a headache, but actually, I really want to put my head through a window because I'm in that much pain. But I will say, I've got pain in the side of my head. I mean, take, for instance, I went to the doctors, and these three years, nearly they said to me, you've got an ear infection, or throat infection. Have you got toothache? No, I haven't got toothache, it's down one side of my head, you know, things like that. And it took me ages to actually, till in the end, we walked in, and just started crying and I sat with the doctor, I said look I can't cope no more. But it got to that point whereas if you had somebody even from our community, that could, even though we speak very good English to translate the fact of what we're meaning...I think they need more training...on who Gypsies and Travellers are, how their terminology is, how they speak about things.

Female, aged 70 to 80 years, bricks and mortar

⁵ [Parry et al., \(2007\) Health Status of Gypsies and Travellers in England, Journal of Epidemiology and Community Health, Mar;61\(3\):198-204](#)

⁶ [NHS Race & Health Observatory: Inequalities in Mental Health Care for Gypsy, Roma, and Traveller Communities](#)

⁷ [The Traveller Movement- Policy Briefing Addressing Mental Health and Suicide among Gypsy, Roma, Traveller Communities in England, March 2019](#)

Part One: Introduction

What is the needs assessment?

It is the responsibility of Health and Wellbeing Boards produce and publish health needs assessments. Locally, these analyse and identify the current and future health and wellbeing needs in York.

Assessment Aims and Objectives

- Provide an evidence base to support the improvement and development of current and future services
- Provide a baseline profile of the health needs of this population, and ensure services are developed in ways that meet their needs and are easily accessible
- To gain an understanding of the experience of service providers' working with these communities
- Raise the profiles of the Gypsy and Traveller communities in order to inform and influence commissioners
- Describe current understandings of the health needs of the population
- Make recommendations to improve health and access to health care for Gypsies and Travellers
- Obtain the views of community members, health and education professionals
- Establish key priorities for addressing unmet needs
- Improve efforts to eliminate discrimination
- Foster good relations
- Report key findings to City of York Council's Communities team who commissioned this needs assessment

Why a Needs Assessment for the Gypsy and Traveller Communities?

Gypsies and Travellers in the City of York make up a small proportion of the population. Evidence suggests, however that the

communities experience significant health inequalities that have a detrimental affect on quality of life and equality of opportunity. Poor health can also affect the ability to fully participate in society.

Local Authority and Integrated Care Board Responsibilities

The inclusion of Gypsies and Travellers in topic-specific health needs assessment is crucial for the planning and commissioning of services that aid to reduce health inequalities. If the health needs of marginalised communities are excluded from comprehensive reports they risk being further excluded from future service developments in this area. “Evidence, including the Equality and Human Rights Commission report 2009, suggests that today Gypsies and Travellers are the most marginalised and disadvantaged of all minority groups nationally, suffering the greatest inequalities across a range of indicators. These include access to suitable accommodation, policing, justice and probation, health, education, employment and financial services.

The Local Picture

Little is known about the true size of the Gypsy and Traveller communities residing in York. The Census 2021 reported that only 0.2% (n=368) of York residents identified as Gypsy or Traveller.⁸ The York Traveller’s Trust estimates that there are around 1300 at any one time.⁹ Due to continuous racism and stigmatisation, many Gypsies and Travellers feel unable to reveal their true ethnicity even in a formal and anonymised document as the Census. Data is therefore skewed, and as many would choose to select their ethnicity as White British or White Other where health outcomes are significantly better, quantitatively capturing the health status of Gypsies and Travellers is challenging.

A heat map from the Census 2021 gives an idea of the distribution of Gypsies and Travellers in the city. Perhaps understandably, where the map shows a higher proportion in the darker blues, this indicates the location of the Traveller sites.

⁸ [ONS Census 2021: Ethnic group, national identity, language and religion](#)

⁹ [York Museums Trust](#)

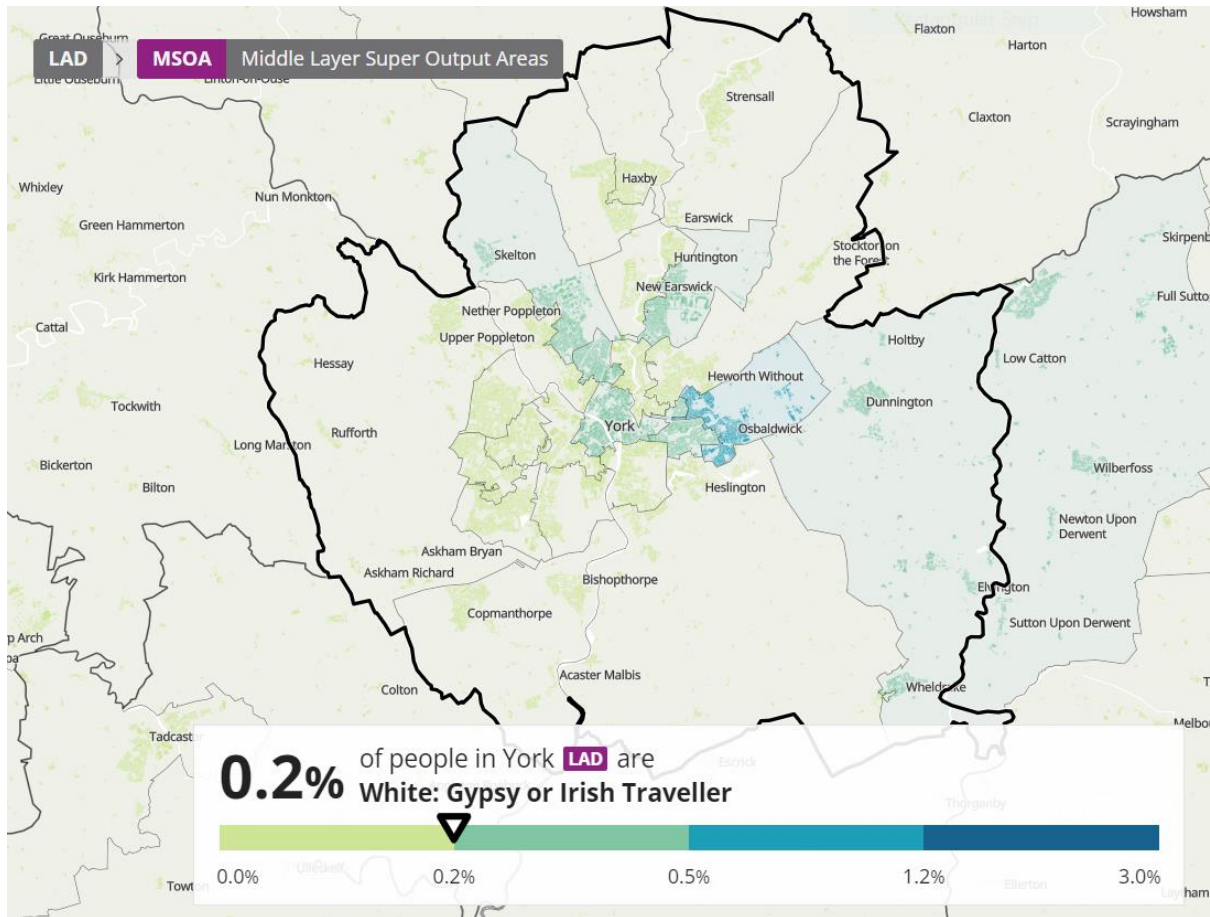


Figure 1: Map from ONS showing the prevalence of Gypsies and Travellers in York as per Census 2021 demographic data

Part Two: Health

Overview

Nationally, Gypsies and Travellers can expect to live on average 10-25 years less than the general population. They also live approximately 6 years less in good health. Lower life expectancy can be demonstrated clearly in the 2021 census, which shows the lack of older Romany Gypsy and Traveller people compared to the whole England population. Over half of the Gypsy and Traveller populations who are represented in the census were aged under 30.

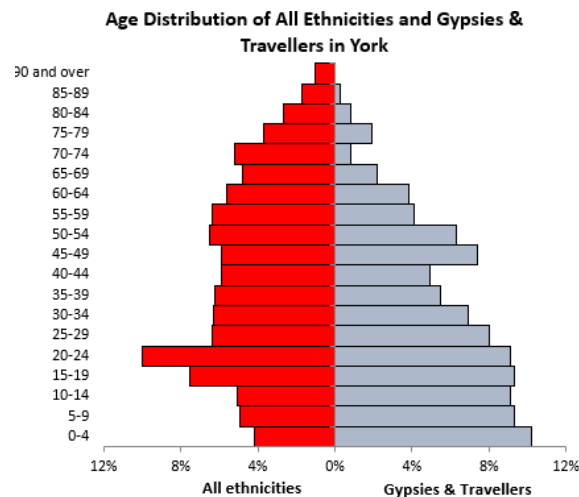


Figure 2: Population Pyramid showing the age demographics of Gypsies and Travellers against other ethnic groups in York. Data from ONS Census 2021

By way of comparison 17% of the whole England population is over 65, compared to just 6% in the Gypsy and Traveller Populations.

Gypsies and Travellers describe experiencing a range of health conditions that create vulnerability to negative health outcomes, sometimes due to delayed access to healthcare services.¹⁰ Conditions that have been described in the communities have included asthma, type 2 diabetes, chronic obstructive pulmonary disease (COPD), the “c” word (cancer), and mental health conditions. Health inequalities have resulted in significant health inequalities. Presentations of chronic conditions to healthcare staff are often acute or in an advanced state meaning treatment and disease-management is more difficult. Delayed access to care can also result in delayed diagnoses and access to screening and prophylactic care.

Some factors for poor health were environmental, such as site locations, the use of diesel generators, as well as occupational hazards linked with manual labour. The nomadic nature of the Gypsy & Traveller lifestyles meant there was experience of difficulty in registering with GP Practices as there was no fixed address. Literacy skills, especially in the older members of the communities was an additional challenge due to the requirement of filling out forms.

Subjective experiences of discrimination and judgemental attitudes of healthcare providers could further delay access to healthcare. Open

¹⁰ <https://gateherts.org.uk/wp-content/uploads/2020/12/Rain-Report-201211.pdf>

communication, a cultural understanding of the lifestyles and needs of the communities would aid to support engagement with healthcare.¹¹

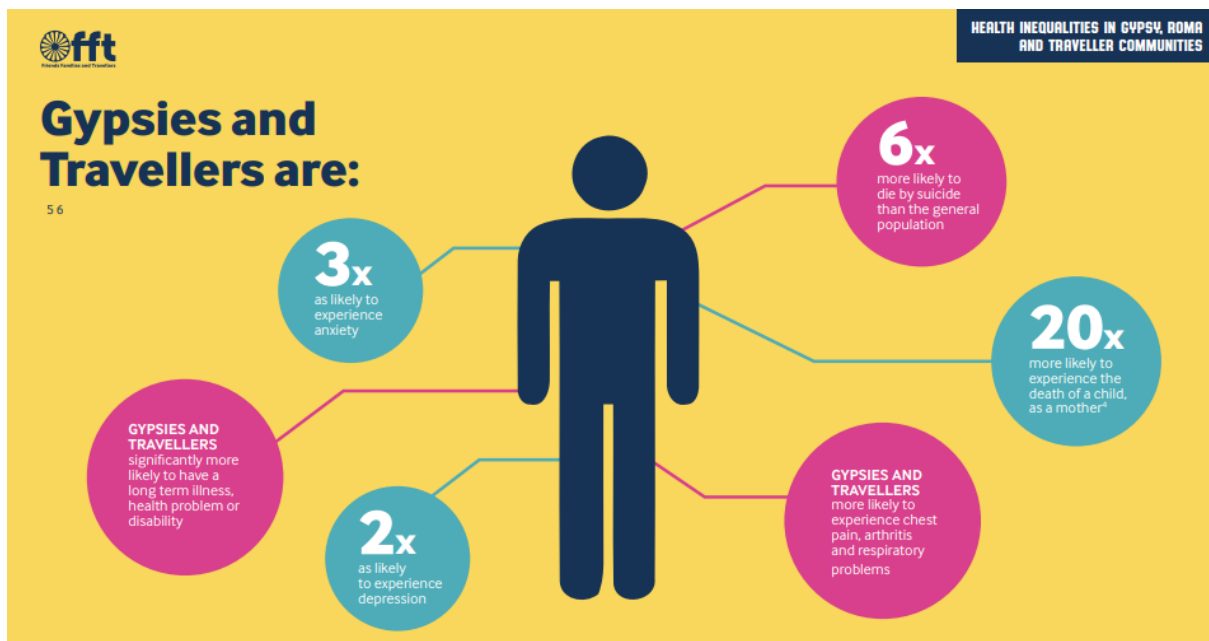


Figure 3: Infographic outlining health challenges faced by the Gypsy & Traveller Communities, *How to Tackle Health Inequalities in Gypsy, Roma and Traveller Communities.*, Friends Families and Travellers



Figure 4: Infographic outlining disadvantages faced by Gypsies and Travellers., *ibid*

Barriers to Accessing Healthcare

Barriers to healthcare services were particularly observed in access to primary care services which would lead to delayed routine care and

¹¹ [Gypsies and Travellers' Lived Experiences, health, England and Wales: 2022, ONS](#)

immunisation. This was particularly challenging for Gypsies & Travellers living roadside or on sites.

You wouldn't be accepted at the doctor's... because she didn't have a settled address. You couldn't say when I'm living on the side of the streets and trailers, we call the caravan as the settled community houses. We couldn't, you couldn't give that as an address. It wasn't acceptable. So... you couldn't register with the doctor when having to get seen.

Female, aged 70 to 80 years, bricks and mortar

Whilst patients can register with GP Practices using the Practice postcode, this was largely unknown.

Trust

Many members have expressed longstanding experiences of discrimination that have meant building trust with service providers can take time.¹² A lack of awareness of services and the uncertainty of whether an individual would feel welcomed or be appropriately and sensitively seen also contribute to a lack of trust. Nonetheless, Gypsy & Traveller communities often hold senior health care professionals (HCPs) in high regard and look up to their wisdom and authority.

Barriers in Accessing Health Care

Research conducted by for the Friends, Families and Travellers Trust indicates that over 45% of service users have low or no literacy so have difficulty in reading medical letters and understanding information given by health professionals. Many Gypsies and Travellers also feel they are stereotyped by HCPs.

The Health Picture in York

Efforts have been made to understand better the health status of York's Gypsy & Traveller communities. A quantitative health questionnaire was created for participants the results of which are detailed in the next chapter.

¹² [McFadden., et al \(2016\), Community Engagement to Enhance Trust between Gypsy/Travellers, and maternity, early years' and child dental health services: protocol for a multi-method exploratory study, International Journal for Equity in Health, 15:183](#)

As well as engaging with the communities, GP Practices and Naburn School were contacted for their insights.

Priory Medical Group, which has nine surgeries in York, have around 114 patients registered whom live at Traveller sites including Water Lane and Outgang Lane. They state they have a very good relationship with these patients. GPs and other medical consultants are held in high regard and recent life-saving procedures have resulted in deep gratitude expressed by the communities.

The practice has observed a number of occasions in which people from the Gypsy and Traveller community have accessed primary care for situations in which urgent care would have been more appropriate. This has resulted in the healthcare staff providing advanced life support and clinical care in situations such as:

- a man in peri-arrest- the recognised period either just before or after a cardiac arrest- attending the GP Practice instead of Emergency Department
- A 3-day old baby with severe breathing difficulties

A number of reasons could be suggested for this, which may include the trust levels this community have in the different healthcare settings, information availability, or access issues e.g. long waits

Barriers to accessing GP services include difficulty accessing and booking appointments and follow-up care: Practices are now relying more on text messaging with appointment reminders and even initial consultations sent to mobile phones. Technology exclusion particularly amongst the older population has meant accessing services difficult. For those patients able to access services, one GP stated that initial consultations were well-attended. Challenges were faced when follow-up appointments were required mostly due to GP Practices relying more on communication through the NHS app and text messaging; facilities not generally accessible by the communities.

Key trends in disease prevalence identified in York

- Gypsies and Travellers appear to have a higher prevalence of brittle asthma¹³
- A significant number are cystic fibrosis carriers leading to children with the disease

¹³ Information from Priory Medical Group, York

- There is a higher incidence of acute presentations of chronic conditions suggesting individuals do not access medical care at an earlier time point, nor attend a healthcare facility that is best suited to their needs. For example, a patient attended a local GP Practice with severe cardiac chest pain, where he collapsed in peri-arrest and myocardial infarction diagnosed. The GPs provided life-saving care before he was transferred to hospital by ambulance.
- High rates of smoking and consumption of energy drinks
- Bereavement is strongly felt according to national data. Whole families come together when a family member is seriously ill or when a death has occurred. Grief is expressed very deeply and it has been observed by clinical staff that it is more acceptable to express grief than expressing mental ill health.

Immunisations and screening uptake was generally low at Priory Medical Group. In an eligible cohort, 15 of 114 total patient population, had had a cervical screen within three years. 21 patients had not had a smear within three years. Measles, mumps and rubella (MMR) vaccination uptake was 50% for the first dose, however many children did not return for their second dose. It has been suggested that the main reason for this is GP Practices relying on mobile phone and electronic messaging to send appointment reminders to patients. Postal reminders were also missed due to postal delivery services refusing to distribute mail around the sites, thereby leading patients to missed communication.

Adults generally were unvaccinated however there was an increased uptake in COVID-19 vaccination suggesting Gypsies and Travellers were able to recognise the importance of self-protection from the virus, and acknowledging

Children were brought for vaccinations within their first year but appeared to stop coming after that. It is surmised that this could correspond to health visitor input or a shift in focus as a baby becomes older.

COVID-19 vaccinations were the only outlier. Uptake was generally good in the Gypsy & Traveller population. This could be due to availability of resources, direct invitations by the NHS to individuals, and efforts to provide information and resources tailored to the communities.

Efforts to source funding within the Humber and North Yorkshire ICB to help tackle inequalities in York is underway. One possible idea being mooted is to plan occasional outreach clinics.

Mental Health

Mental ill health and suicide are known major issues for Gypsies and Travellers. Limited data however underestimates the extent this has within the communities. In the first of its kind, West Yorkshire Health and Care Partnership's (WY HCP) Suicide Prevention Programme delivered a two-year contract to Leeds GATE in order to tackle the high suicide risk amongst the communities. Their 2020 report "Don't Be Beat" reported an average of six suicides per year amongst a 7000-strong population in Leeds.¹⁴ In another report commissioned by GATE HERTS in the same year, a sample of Gypsies and Travellers stated they had experienced multiple deaths by suicide in their extended families- on average two to five family members.¹⁵Part Three: Wider Health Considerations

Men's Health

There has been a recent focus on the need for a gendered strategy when assessing health needs with recognition for a focus on the health of men in general. Men consistently present with more serious illness than women and generally have a shorter life expectancy. Both Gypsy and Traveller men and women experience poorer health outcomes overall than the general population. A 2010 Irish study found that Gypsy and Traveller men, however, had 3.7 times the mortality of males in the general population and a suicide rate 6.6 times higher than that of the general population. 2008 life expectancy was 61.7 years- equivalent to the general male life expectancy in 1987.¹⁶

In a more recent case study,¹⁷ a need to tackle existing barriers to men seeking mental health support was identified to prevent suicidal ideation. Male-specific initiatives are recommended to ensure more men feel able to ask for help.

Women's Health

In 2022, the Government published the first Women's Health Strategy in England to improve the health and wellbeing of women and girls across the life course in England. Specific to women from Gypsy and Traveller communities, is evidence which suggests poor take up of preventative

¹⁴ <https://www.wypartnership.co.uk/news-and-blog/news/success-partnerships-gypsy-and-traveller-suicide-prevention-project-believed-be-one-first-its-kind-country>

¹⁵ <https://gateherts.org.uk/wp-content/uploads/2020/12/Rain-Report-201211.pdf>

¹⁶ Our Geels All Ireland Traveller Health Study, 2010

¹⁷

health care such as screening and immunisation. Cervical and breast screening is typically lower than in the general population.

Maternal needs were identified due to high national rates of maternal, perinatal and post-natal deaths. Specifically, a study from University of Sheffield which matched Gypsy and Traveller mothers with non-Gypsy and Traveller mothers in similar circumstances found that although there was no difference in reported problems during pregnancy and deliver (i.e. pre-term babies, there was a difference in the experience of miscarriage and infant deaths. These differences remained even when controlling for the total number of pregnancies. Of the sample of 142 traveller women of childbearing ages 16 (14%) had experienced one or more miscarriages, 6 (4%) had experienced one or more stillbirths, and 25 (18%) had experienced the death of a child¹⁸.

Better understanding and communication from healthcare providers would ensure concerns addressed by women were taken on board to improve rates of preventable complications in pregnancy and birth, and sensitive communication around topics such as breastfeeding.

Domestic violence occurs across all socio-economic backgrounds, ethnicities and educational levels. Nonetheless, the majority of cases of domestic violence occur within intimate relationships and particularly in communities where male authority is culturally accepted and condoned. Victims of domestic violence in the Gypsy and Traveller communities are generally female and, like the general population, be triggered by a number of factors. Impacts to health can be physical, mental and sexual. These are compounded by a lack of culturally appropriate resources and stigma which can prevent a girl or woman from seeking help.

Children & Young People's Health

Early exposure to poor health can have long term impacts that extend into adulthood. As such, inequalities identified in low socio-economic circumstances are a vital measure of the quality of life and health in adulthood. There is a lack of granular data concerning the health of Gypsy and Traveller children however there is evidence that children experience higher rates of illness as opposed to the general population and a significantly higher rate of premature deaths in children.

Immunisation rates are generally lower than average though parents generally accept the first dose of MMR. Many children have not had a second dose according to York data from Priory Medical Group.

¹⁸ [Microsoft Word - GT final report for web.doc \(bemis.org.uk\)](#)

In a recent workshop led by mothers from York Travellers' Trust, concern was expressed about being reported to Children's Social Services in the event of their child becoming ill. Often experiencing common childhood illness such as influenza and croup, the focus group described the "vicious circle" of delayed access to a doctor for diagnosis and treatment, and a general deterioration of the condition, leading to concerns the child would be taken into care. They also experienced instances of health professionals being dismissive of their child's health, and of parental concern. In one example, a doctor repeatedly told a mother that she couldn't understand why the mother had brought her child in and was initially reluctant to examine her. Upon examination, the child was in fact found to have an infection and was prescribed curative treatment. No apology was given by the doctor, or by York & Scarborough NHS Hospital Trust.

There was some evidence to suggest high rates of ADHD, eating disorders and autism in children as well as experiences of other mental health conditions. The way in which local mental health services such as Children and Adolescent Mental Health Services (CAMHS) should be reviewed to ensure more Gypsy & Traveller children are referred and assessed in a timely manner.

Substance Use Disorder

Substance use disorder is a more common in areas of greater deprivation and where there are greater circumstances of poverty and socio-economic disadvantage. Alcohol misuse has existed in a minority of Gypsy and Traveller communities but there has been national indication of increasing poly-substance use dependency, particularly in young men in unstable accommodation.¹⁹ Studies on this subject are generally quite old, however- the most recent find being published in 2010. Therefore, a closer look at substance misuse in ethnic minorities in York will enable us to capture a more accurate picture of the needs and available support for the communities.

Palliative Care

As with much of the general population, Gypsies and Travellers generally prefer to die at home. However, professional input by GPs and palliative care specialists are often overlooked and therefore little support is provided for individuals at the end of their life. Access to palliative services

¹⁹ Devon Gypsy & Traveller Health Needs Assessment, 2009

is important to ensure “a good death” can occur, and so tertiary care services should evaluate access by the communities.

Dental Care

Gypsies and Travellers are at significant disadvantage of accessing dental health services. Access especially to NHS dentistry has widened inequalities and seen a greater decline in communities receiving acute and regular appointments. A review of access to dental services, particularly for marginalised communities is recommended.

Part Five: Additional Information

City of York Council owns and runs three main Traveller sites throughout the City:

- Water Lane, Clifton
- Outgang Lane, Osbaldwick
- James Street, York
- We are also aware of a small number of Travellers living on a non-CYC site in the Naburn area with many sending their children to the nearby Naburn Primary School²⁰

Residents pay rent, council and utilities. In total, there are 61 individual pitches; most are big enough for 2 caravans and 1 or 2 vehicles. Each pitch has its own service block which includes a kitchen area and bathroom. There are regular visits from support workers who manage the site and provide help when required. An unknown number- yet considered the majority- live in “bricks and mortar” housing throughout the city. York’s high cost of living causes significant stress for the communities with many on low incomes struggling to afford the basics.

Caravan Count

A biannual statistical count of the number of caravans on both authorised and unauthorised sites across England takes place every January and July.

²⁰ Discussion with Head Teacher of Naburn Primary School

Month	Caravan Count: York		% of total caravans in Yorkshire & Humber
	Authorised Sites (with planning permission)	Unauthorised Sites (without planning permission)	
Jul-22	86	0	5.0%
Jan-22	83	0	5.6%
Jul-21	74	0	4.5%
Jan-20	84	0	5.6%
Jul-19	85	0	5.2%
Jan-19	89	0	5.6%

Figure 5: Biannual statistical caravan count in York

In line with official guidance from the UK Statistics Authority and the Office for Statistics Regulation, collection of Traveller caravan data was suspended during the summer of 2020 and Winter 2021 due to the coronavirus (COVID-19) outbreak. Whilst this is named a Traveller caravan count, it is consistent with applying to all caravans lived in by ethnic Gypsies and Travellers as well as non-traditional Travellers.

Schools

In the 2021 York Schools Survey, a total of 35 pupils across six primary and secondary schools (total number of participating schools =37) reported their ethnicity as “White- Gypsy or Irish Traveller.” The schools listed have recorded three or more pupils. Please note, as with overall numbers of Gypsies and Travellers in York, this will not be a true representation of the numbers in education, but it does provide some insight into continuity into secondary education. From speaking with Naburn Schools’ headteacher, the school, which has an overall intake of n=83, especially sees a high intake (up to 40%) of primary school-aged children due to Travellers who live on land belonging to the nearby Acre Farm.

Institution Name	Type of Institution	No. of pupils identified as Gypsy or Traveller
Huntington School	Secondary School	6
Joseph Rowntree School	Secondary School	4
Vale of York Academy	Secondary Academy	4
Manor CofE Academy	Secondary Academy	3
Lakeside Primary Academy	Primary Academy	3
Naburn School	Primary School	3

Figure 6: List of York schools with pupils who have identified as Gypsy or Traveller in 2021 Schools Survey

Conclusions of this HNA

Gypsies and Travellers experiences significantly worse health outcomes and inequalities than any other marginalised communities. Combined with high levels of racial discrimination and prejudice, this results in delayed access to relevant health services and a lack of trust in professional staff treating them with respect and dignity.

The wider determinants of health and well-being are well-documented as having key impacts on health and wellbeing. Support and advice that is easily accessible and culturally appropriate is generally unavailable and so many members of the communities can feel excluded from important and key health messages.

Recommendations of this HNA

1. Gypsies and Irish Travellers should be treated as distinct groups when assessing needs.
2. A dedicated Liaison Officer should be identified within the Council, who can be a point of contact for all Council-related matters by the communities.
3. Develop a short and medium term action plan, mutually agreed by the trust and key agencies, to tackle the issues raised in this HNA
4. Develop closer relationships between York Travellers' Trust and partners to gain further insights into the health and wellbeing of Members of these Communities.
5. Update key information on partner websites, e.g. City of York Council's webpage for Gypsies and Travellers.
6. Refresh the membership and Terms of Reference (ToR) of the Gypsy, Roma, Traveller working group and to ensure all necessary partners are invited and community members are clearly heard.
7. Work with York Travellers' Trust to provide resources and information that can be easily accessed by the Gypsy and Traveller communities. These may include resources written in simple English, photographs representative of the communities, or delivered in different formats, such as audio and information

sessions. Topics would include various health topics, including accessing the most relevant health services for a specific health condition, information around diseases and conditions commonly experienced by the communities, and immunisation and vaccination.

8. Build a greater awareness amongst health care professionals of the challenges an increased reliance on technology can pose to the communities for appointment-making, test results, and other communication. Advise that more traditional forms of communication should still be used.
9. Ensure the voices and lived experiences of Gypsies and Travellers is captured in the formation of City of York Council's Anti-Racism plan.
10. Collectively, partners should consider their response to the findings of the Office of Health Improvement and Disparities (OHID)²¹ 2022 report into the health needs of Gypsies & Travellers. These include:
 - providing health information and resources provided in accessible formats
 - providing mobile outreach clinics
 - providing peer-led efforts to improve cohesion between community members and health services.
 - providing flexible health services to allow for care despite no fixed address has also been suggested.
 - providing GP access cards to navigate literacy barriers could also be provided.
 - better understanding for staff of community culture, with better communication and empathy leading to better engagement and trust.

²¹ [Gypsy, Roma and Traveller Groups: An Introduction to History and Culture, Health and Disparities](#)

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Meeting:	Executive
Meeting date:	9 th May 2024
Report of:	Bryn Roberts Director of Governance & Monitoring Officer Dan Moynihan Senior Lawyer & Deputy Monitoring Officer
Portfolio of:	Cllr Katie Lomas Executive Member for Finance, Performance, Major Projects, Human Rights, Equality, and Inclusion

Decision Report: Veritau – Creation of New Audit & Assurance Company Limited by Guarantee

Subject of Report

1. This report is for the Executive to consider the establishment of a brand new *Teckal* company limited by guarantee (hereafter referred to as “**Newco**” – please note that at the time of this paper a company name is yet to be chosen), for the continued provision of audit and assurance services to the Council of the City of York (“**CYC**”), North Yorkshire Council (“**NYC**”), Middlesbrough Council (“**MC**”), and Redcar and Cleveland Borough Council (“**RBCB**”) (and potentially other local authority members in due time).
2. The current *Teckal* company, Veritau Limited (“**VL**”) (currently co-owned by CYC and NYC), is likely to cease meeting the *Teckal* requirements set out in Reg. 12(1) of the Public Contract Regulations 2015 (the “**Procurement Regs**”) in the very near future and needs to restructure its current company group structure/shared service model in order to admit new member authorities to retain *Teckal* status and to remain competitive in the growing shared service market.

3. VL have provided a business case for the proposed restructure, attached to this document as **Confidential Annex A**, which has been summarised in the remainder of this report. VL have also provided the Veritau Group's budget for 2024-25, which has been attached to this document as **Confidential Annex B**.
4. **The contents of both this Report and the Background Documents annexed hereto are to be treated as exempt under Section 100I and paragraphs 3 and 4 of Schedule 12A of the Local Government Act 1972.**

This is due to commercial sensitivities relating to the financial or business affairs of any of VL, CYC and each of the other member authorities, and due to information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising in relation to the proposals discussed here.

Benefits and Challenges

5. A full breakdown of the benefits and challenges for the formation of Newco and the other options presented in this report is set out in "**Options Analysis and Evidential Basis**" below, and in **Sections 37 and 38 of Confidential Annex A attached**.

Policy Basis for Decision

6. In December 2022, Full Council approved a 10-Year Plan, known as "York 2032", and 10-Year Strategies. The Council Plan 2023-2027 was approved by Full Council in September 2023, and contributes to delivery of the 10-Year Strategies. The Council Plan has four core commitments, that define the outcomes the council will deliver over the current administrative term:
 - Affordability;
 - Environment;
 - Equalities and Human Rights; and
 - Health Inequalities.

The proposals within this report are consistent with these four key pledges as follows:

- a) **Affordability** – The recommendations of this report will secure continuing employment for a number of staff in York and wider region. It will also look to retain a cost-effective audit, risk and assurance service which supports CYC in providing assurances about the efficient and effective delivery of its services to the residents of York and will provide CYC with resilience and support CYC in meeting the financial challenges ahead.
- b) **Environment** - The recommendations set out within this report will ensure that CYC continues to receive necessary audit, risk, and assurance advice on environmental and climate change matters to help reduce CYC’s environmental impact and identify relevant performance targets and measures that will help CYC work towards its goal of becoming net-zero by 2030.
- c) **Health Inequalities** – Financial auditing of local authorities also plays a crucial role in promoting health and wellbeing by ensuring efficient resource allocation, fostering transparency and accountability, preventing fraud and mismanagement, facilitating long-term planning, and promoting stability and confidence within communities.

Financial Strategy Implications

- 7. The proposal to create a new *Teckal* company does not have any longer-term implications for CYC’s Financial Strategy. It does however ensure continued provision of a high quality, value for money internal audit service. Internal audit is required to assess internal control and promotes ongoing efficiency across the organisation. The recommended option set out within this report promotes resilience in terms of having access to a wider staff group who can bring experience from other councils. This will support CYC in meeting the financial challenges ahead.

Recommendation and Reasons

- 8. **It is recommended that the Executive:**
 - a) further to Article 12 of the Constitution for the Council of the City of York, approve the formation of a new *Teckal* compliant

company limited by guarantee together with NYC, Middlesbrough Council, and Redcar and Cleveland Borough Council for the delivery of audit and assurance services to these authorities; and

- b) approve the novation of current Service Agreement between the Council of the City of York and Veritau Limited dated 22nd December 2022, relating to the provision of audit, counter fraud, and information governance services (the “**CYC Service Agreement**”), to the new company;
- c) approve the payment by Veritau Limited of a one-time £20,000 dividend to the Council of the City of York and a one-time £20,000 dividend to North Yorkshire Council;
- d) approve payment of a one-off £20,000 subscription fee by the Council of the City of York to the new company, once the new company has been incorporated; and
- e) delegate authority to the Director of Governance to negotiate, draft and conclude with the other member authorities and Veritau Limited all necessary documentation linked to the formation of the new company (including (but not strictly limited to) the new company’s Articles of Association, Members Agreement, and the Novation of the Service Agreement).

9. **Reasons:**

- a) To ensure that Veritau (as a group) can continue to deliver audit and assurance services to CYC and the other member authorities (both present and future) in compliance with Reg. 12(1) of the Procurement Regs (and Schedule 2, Part 1, Para 2 of the Procurement Act 2023 once this comes into force later in October 2024).
- b) To allow greater flexibility than the current shared service model, by allowing new member authorities to be more easily admitted and exiting members to leave more easily.
- c) To remove or reduce duplication of costs/operating inefficiencies within the current shared service model.

- d) To allow VL to continue to grow its commercial offering for the benefit of its current shareholders, CYC and NYC.
- e) To mitigate the possible risks to VL's position caused by the emergence of other local authority shared service providers which, it is anticipated, will increasingly come to dominate the sector.

Background

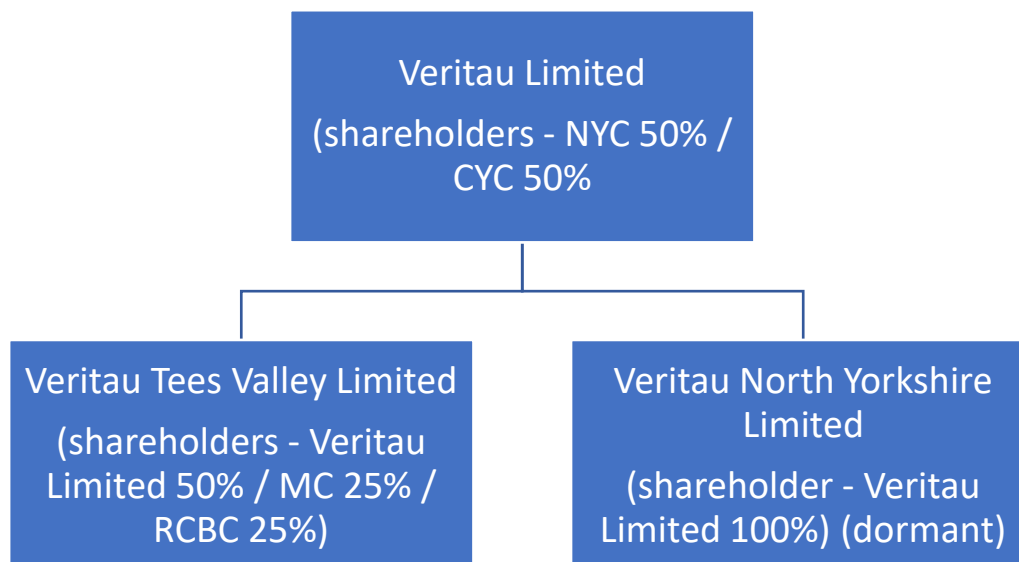
- 10. The full background and context to this paper is set out in full in **Confidential Annex A** but has been summarised for Executive members below.
- 11. VL was established and began trading on 1st April 2009 as a shared service for internal audit, counter fraud, and information governance services for CYC and NYC (then North Yorkshire County Council). The company is currently jointly owned by CYC and NYC, with each holding 50% of the share capital. The existing in-house teams were transferred to the company by both CYC and NYC, and it started trading.
- 12. The shared service model proved to be successful, resulting in several other local authorities expressing an interest in joining.
- 13. A further joint venture company called Veritau North Yorkshire Limited ("**VNY**") was established in February 2012, which was co-owned by VL and five of the North Yorkshire district / borough councils.
- 14. Following local government reorganisation in 2023, VL purchased the shares in VNY previously held by the North Yorkshire district / borough councils. VNY is therefore now a wholly owned subsidiary of VL, and the company is currently dormant.
- 15. A second joint venture company called Veritau Tees Valley Limited ("**VTV**") was formed in December 2019. Ownership of the company is as follows:

Shareholding

MC	25%
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RCBC	25%
VL	50%

16. Both VL and VTV were established as *Teckal* companies. This enabled the local authority members of both companies to take advantage of the exemption contained under Reg 12(1) of the Procurement Regs and Schedule 2, Part 1, Para. 2 of the Procurement Act 2023 to award long-term contracts to the companies for the supply of services without the requirement to undertake a public procurement exercise, providing certain conditions were satisfied throughout the life of any long-term contracts they have with local authority members, namely:
- a) the relevant local authority on its own or jointly with other contracting authorities exercises a similar degree of control over the company as it does over its own departments;
 - b) more than 80% of the work undertaken by the relevant Veritau company is for the benefit of the local authority members or for other organisations controlled by the same local authorities (averaged over 3-years); and
 - c) there is no private capital participation in the relevant Veritau company.
17. VL and VTV currently operate as a single business entity and together form the Veritau group. The current structure is therefore:



18. Both VL and VTV are subject to articles of association and shareholder agreements which have been drafted to reflect local authority control and the *Teckal* provisions above. The relevant local authority members also have a presence on the boards of VL (CYC – 2 x directors; NYC – 2 x directors; 2 x Executive Non-council directors) and VTV (MC – 1 x director; RCBC – 1 x director; 2 x Executive Non-council directors), to ensure the *Teckal* control requirements are met. Further, each local authority member also has arrangements in place to maintain oversight over the strategic direction and performance of the Veritau Group. They also ensure that Veritau's purpose and aims continue to be aligned to their own priorities. In most cases this involves the approval of the Veritau Group Business Plan and Annual Budget by the respective shareholder representative or (as is the case with CYC) Shareholder Committees and the periodic reporting of performance including the submission of audited financial statements and an annual report. Together with the Articles and Shareholders' agreement, these arrangements to date have helped to demonstrate the degree of control required to satisfy the *Teckal* exemption.
19. However, in addition to providing assurance services to its four local authority members, the Veritau Group now provides assurance services to over 700 clients. These clients include other councils, council owned companies, other local authority shared services, a children's trust, national park authorities, multi academy trusts and schools. In addition, services are also provided to two national

sports governing bodies, and some EdTech companies and charities. The group's budgeted turnover for 2024/25 is approximately £3.8m, split as follows:

Client	£k	%
NYC (VL)	1,662	43.9
CYC (VL)	657	17.4
RCBC (VTV)	221	5.8
MC (VTV)	221	5.8
Other fee income – LA controlled	220	5.8
External clients	806	21.3
Total	3,787	100.0

20. This expansion of the commercial offering has coincided with a reduction in the value of services provided to CYC and the other local authority members in recent years as a result of the need to deliver budget savings, which means that VL and VTV are not expected to be *Teckal* compliant in 2024/25. This is due to the estimated value of the work undertaken for the benefit of the contracting authorities or for other organisations controlled by the same contracting authorities falling below the required 80% threshold (averaged over 3-years).
21. The fee structure for the local authority members is also different to that for external clients. The fees charged to the local authority members are intended to cover the costs of providing the service. In other words, Veritau does not aim to make a profit from this work. The fees charged to external clients include a notional element to cover the costs of office accommodation provided by local authority members but are also set to deliver a profit. The additional work helps to maintain capacity, avoids the need to make redundancies, delivers further economies of scale, keeps costs down for the member councils and the profits can be reinvested into service development. However, there are cost inefficiencies with the current

shared service model based on two *Teckal* companies, for example insurance, external audit, financial management and administrative costs are effectively duplicated.

22. Notwithstanding the above, the shared service model continues to attract interest from other councils. As a result, discussions have been held with a number of councils about the possibility of them joining Veritau as full members, with two further councils now formally requesting to join. The addition of new local authority members would help to counteract the increasing shift to external work in recent years that has placed the Veritau Group's *Teckal* status at risk; however, the existing corporate structure for both VL and VTV does not allow new local authority members to be easily admitted due to the need to issue additional shares, and the impact this has on existing shareholdings. Existing member councils also cannot easily leave.
23. Finally, a change to the current shared service model could help to address the possible threats to Veritau's competitive position caused by the emergence of other local authority shared service providers. In terms of its commercial offering, Veritau is in competition with a number of established providers of internal audit and information governance services. These include large and medium sized accountancy firms and smaller specialist providers. There is generally less competition for counter fraud services. In terms of Veritau's non-commercial/public sector offering, more local authorities are shifting away from having in-house internal audit and counter fraud teams to more partnership working and other forms of collaboration to address capacity issues, deliver economies of scale and provides access to technical expertise. Veritau expects some of these new shared service providers will increasingly come to dominate the sector and Veritau may lose its ability to compete. Being able to admit new councils as full members in the short to medium term will help to mitigate this risk.
24. In short, the key drivers for a change to Veritau's current shared service model are:
 - a) to maintain its *Teckal* status to allow Veritau to continue delivering audit and assurance services to its current local authority members;
 - b) to allow Veritau to continue to grow its commercial offering, for the benefit of its local authority shareholders and to allow

Veritau to remain competitive in the current shared service market;

- c) to allow for more local authorities to join to ensure its *Teckal* compliance and continue said expansion.

Consultation Analysis

- 25. The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality, and Inclusion, the Director of Governance and the Chief Finance Officer were briefed on 19th March 2024 by the Chief Executive and Head of Internal Audit at VL, and were presented with and given the opportunity to provide feedback on the Business Case, which following said meeting was updated and is now in the form attached to this paper as **Confidential Annex A**. Other member authorities have also been similarly briefed.
- 26. Apart from as set out in paragraph 25 above, no other consultation has taken place or was deemed necessary.

Options Analysis and Evidential Basis

- 27. A full options analysis in respect of this paper is set out in full in **Sections 37 and 38** of **Confidential Annex A** but has been summarised for Executive members below.
- 28. In order to address the issues facing the Veritau Group as described in the **Background** to this paper above, the Executive are asked to consider the following four options:

- a) **Option 1 - Do Nothing**

This option is not viable as legal advice has indicated that Veritau will not be *Teckal* compliant in 2024/25 due to the current value of external fee work exceeding the 20% limit (see **Background** above and **Legal Implications** below).

This could open up CYC and the other member authorities to possible legal challenge.

b) Option 2 - Keep the existing business structure but take immediate steps to reduce external work to return to Teckal compliance

This would involve reducing the value of external fee work to below 20% of total turnover, which would take time to achieve due to the number of contracts in place and have an impact on the group's financial viability due to the loss of profitable commercial work.

There might also be additional costs due to the need to make staff redundancies, and concerns that in the longer-term, Veritau would also become less attractive as an employer due to the restricted career opportunities.

In addition, further reductions in the value of external fee income might be required to match any reductions in the value of services being provided to the member authorities as a consequence of the need to deliver budget savings. The corporate structure also would still not allow for the easy admission of new member authorities.

This option is therefore also considered non-viable.

c) Option 3 - Re-purpose VNY and novate all external commercial work to VNY

This option would involve VL transferring its shares in the current dormant company, VNY, to NYC and CYC and converting the company into a standalone commercial business. The existing commercial contracts held by VL would then be novated to VNY.

This would partially address the concerns about *Teckal* non-compliance but would still not allow for the easy admission of new member authorities to assist with continued expansion of the external commercial work, due to VL's status as a company limited by shares.

This option is therefore also considered non-viable.

d) Option 4 - Form a brand new Teckal compliant company limited by guarantee

This option would involve the creation of a new standalone company limited by guarantee (hereafter referred to as “**Newco**” – please note that at the time of this paper a company name is yet to be chosen).

The four existing member authorities (CYC, NYC, MC and RCBC) would all become members in the new company, Newco, along with the two new local authorities who have expressed an interest in joining (and potentially further members in time).

Each member authority of Newco will be required to pay a one-off subscription fee of £20,000 each to join to cover set-up costs, working capital and contingencies. With regards to CYC, this £20,000 fee will come from a £40,000 dividend from VL to CYC and NYC. There would be no external financing or requirement for the member authorities to provide additional loans to Newco. Future members may be required to pay an increased subscription fee in later years.

The future liability of CYC and the other member authorities, otherwise known as the guarantee, would be capped at an agreed value of no more than £10. The guarantee is the maximum sum which would need to be paid by the member council to the company in the event of the company being wound up. If CYC or one of the other local authorities ceased to be a member of Newco, the guarantee would continue to apply for one year after the date of exit.

The existing contracts for the supply of assurance services to the current member authorities would then be novated to the new company. Other local authorities outside of CYC, NYC, MC and RCBC will be required to enter into new contracts with Newco.

All the existing commercial contracts would remain with VL and VL would become a non-*Teckal* company providing services to external clients. VL would continue to be a company limited by shares co-owned by CYC and NYC. To

the extent that VL makes a surplus in respect of any services it provides externally, this would either be reinvested in its business operations or returned to CYC or NYC in the form of a dividend.

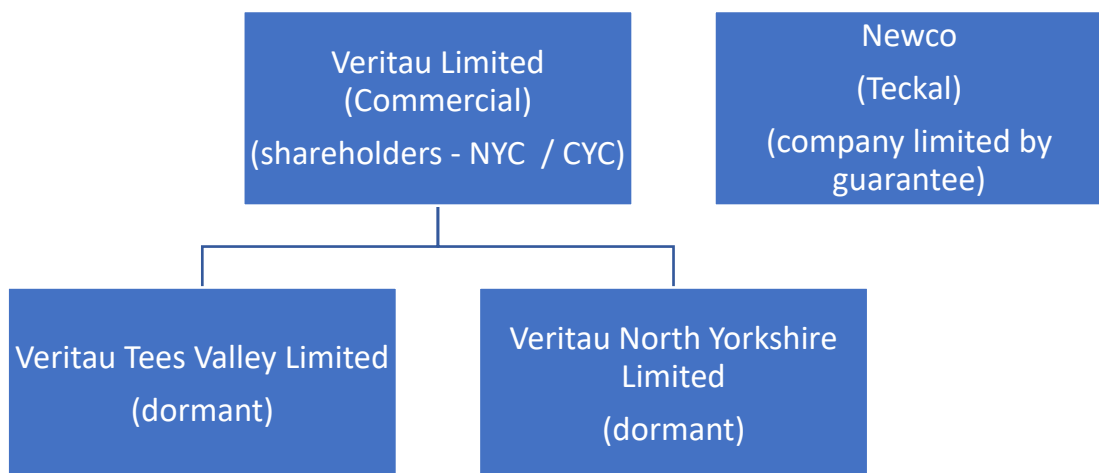
In respect of staffing, Newco would recharge the associated payroll and overhead costs to VL at a market rate, and, in respect of strategic leadership services, Newco would charge VL a management fee.

To the extent that Newco make a surplus in respect of any services it provides (whether to VL or to its member councils), this would either be reinvested in its business operations or returned to the member councils in the form of a rebate.

Both VNY and VTV would then be wound up and have their bank accounts closed, and insurance cover reduced. The total savings achieved from winding-up the companies would be approximately £10,000 per annum. This saving would offset the costs of establishing and operating Newco.

The projected fee income of Newco in 2024/2025 is expected to be approximately £3,942,000, including income from the two new member councils and recharges to VL. The projected fee income of VL in 2024/25 is expected to be approximately £806,000, with an assumption that fee income from external contracts would be expected to grow by up to 10% per annum.

The Veritau Group structure would be as follows:



This corporate structure would satisfy the *Teckal* Exemption. A company limited by guarantee would also facilitate the admission and exit of member authorities.

29. **Option 4 is therefore the preferred recommended option to the Executive.**
30. The full details of the proposals under Option 4 can be found in **Sections 39 to 66 and Appendix A of Confidential Annex A.**
31. A further report would be taken to Executive at the proper time to approve and ratify the Articles of Association, Members Agreement, Service Contract and any other governance documents and arrangements underpinning Newco.

Organisational Impact and Implications

32. ***Financial***

The financial implications of this report relate to the proposal to pay both CYC and NYC a dividend which is then subsequently used to pay a one-time subscription fee for the new company, Newco. This will allow Newco to operate with a minimum level of reserves, but without any additional financial risk to CYC.

33. ***Human Resources (HR)***

There are no HR implications to this report.

34. ***Legal***

a) Vires

CYC (and the other member authorities) would rely on their general trading powers as set out in Section 95 of the Local Government Act 2003 and Section 4 of the Localism Act 2011 to set up a new company.

Section 95 of the Local Government Act 2003 allows relevant authorities to undertake any commercial activities which they would otherwise be authorised to undertake for the purpose of performing their ordinary functions.

Section 4 of the Localism Act 2011 confers a general power on local authorities to undertake any commercial activities which they would be authorised to do in the exercise of their general power of competence. Where a local authority relies on these general trading powers then they must do so through a company.

The Section 95 and Section 4 General Trading Powers also prescribe which company structures may be used. These include companies limited by shares and by guarantee.

Each local authority must also prepare a business case supporting the exercise of the Section 95 power, which the authority must approve (Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009). The business case attached to this paper as **Confidential Annex A** is deemed to satisfy this requirement.

b) CYC Constitution and Reserved Matters for Shareholders

The Leader and Executive are responsible for all of CYC's functions (including local area functions), except those which are required by the law or CYC's Constitution, to be the responsibility of CYC itself, or any other non-Executive part of CYC.

The decision to form a new company under the provisions of the Local Government Act 2003 and the Localism Act 2011 referred to above, subject to input and advice from officers, is an Executive function.

In any event, as per the information in this paper and **Confidential Annexes A and B**, as the budgeted turnover for services to be provided by the Veritau Group to CYC in 2024/25 is likely to exceed £500,000 any decision relating to this service is arguably a Key Decision reserved to Executive.

Article 12 of the CYC Constitution delegates authority from the Executive on certain matters relating to *Teckal* and *Non-Teckal* companies to the Shareholder Committee. However, the Executive as the parent committee still has authority to

take decisions that would otherwise be delegated to the Shareholder Committee under Article 12.

c) Commercial and Procurement Law Implications

CYC Legal Services have been consulted already with regards to the proposals under Option 4 of this paper.

The proposed new corporate structure under recommended Option 4 of this paper will satisfy the control and functional tests set out in the Procurement Regs, and also meet the requirements of the Procurement Act 2023, when this comes into force. The *Teckal* exemption would therefore apply for the award of contracts to Newco without the need to go through a procurement process.

This requirement for joint control by the member authorities will be ensured principally through the prescription of “Reserved Matters” either within Newco’s Articles or a Members Agreement (both of which require the input of Legal Services) and by the corresponding Scheme of Delegation – requiring the “owners” to approve key aspects of the business.

Further, it will be possible for Newco to admit new members to it provided that the vehicle continues to satisfy the control and activities tests under *Teckal*. CYC and the other controlling authorities will need to actively participate in the governance and management of Newco and contribute to financing its activities. A *Teckal* arrangement must operate as a shared and controlled “in-house” department rather than as a purchasing arrangement. Services provided by Newco to the member authorities must be provided on a non-commercial basis, as is currently the practice with VL. This does not preclude Newco from establishing a surplus as an operational buffer, provided that this is either used in operation of the cooperative arrangements and/or periodically “reconciled” between the CYC and the other controlling contracting authorities in the form of a rebate.

In addition to providing Audit Services to its Member Councils, Newco will also provide staff resources and strategic leadership services to VL on an ongoing basis (the “**VL Services**”). Since VL will (going forward) be a commercial entity, any services provided to VL will count towards the (less

than) 20% total activity limit imposed by *Teckal*. If the proposal is for Newco to wholly resource VL, it is important to note that its ability to do so will always be limited by its less than 20% “trading allowance” cap, so the ability of Newco to meet the staffing needs of VL will be limited. VL may therefore decide to employ its own staff in the future to avoid any risk of the *Teckal* position being compromised.

Services provided by Newco to VL would be charged at market rates. If discounted rates will apply, then there may be subsidy control considerations to be considered under the Subsidy Control Act 2022.

The Procurement Act 2023 introduces slightly different tests for *Teckal* (under the Act referred to as “vertical arrangements”) but in practice the control test contained in Schedule 2 of the Act is not that fundamentally different from the test currently contained under Reg 12(1) of the Procurement Regs. There is, however, a new component of the test under the Procurement Act, requiring that any controlling or member entity fulfils the requirement of “parent undertaking” as defined under section 1162, Companies Act 2006. It is worth noting that, whilst on its face this section appears relatively straightforward to apply, the fact that it is a test under the Companies Act 2006 rather than procurement legislation means that company law considerations will need to be considered. Further Government guidance is to be published on the Act and the scope of the vertical arrangement exemption and Legal Service’s advice on this topic remains subject to any changes that may be introduced as part of those or any other future amendments.

All documentation relating to Newco, including (but not limited to) the Articles, any Members Agreement, and novation of the existing members Service Agreements and any new standard form of service contract, will require the input of CYC Legal Services.

In terms of novating the CYC Service Agreement, both Legal Services and colleagues in Commercial Procurement must be consulted to ensure that:

1. The CYC Service Agreement is properly novated with a Deed of Novation in accordance with Rule 19.3.2(i) of CYC's Contract Procedure Rules under Appendix 11 of the CYC Constitution.
2. The CYC Service Agreement is properly novated in compliance with Reg. 72(1)(d) of the Procurement Regs.
3. That the handover of the Services from VL to Newco is done so in accordance with the Exit Strategy under Schedule 4 of the CYC Service Agreement, including any indemnities from VL to CYC in relation to any employment matters and/or claims as result of the transfer of Services from VL to Newco (colleagues in HR and Finance should also be engaged with on any TUPE/Pension related matters).

Finally, as with VL, Newco's own procurement activities will be bound by the Procurement Regs and later the Procurement Act 2023, and, as wholly owned local authority trading companies, both VL and Newco will also be covered by the provisions of the Freedom of Information Act 2000.

35. ***Procurement***

For CYC to continue to receive an audit and reassurance service, Option 4 outlined in the paper is the most effective option. Option 4 will comply with the requirements in the current Procurement Regs and will also comply with the upcoming Procurement Act 2023 coming into force October 2024. To properly implement this structure, both the Commercial Procurement Team and Legal Services must be consulted to novate the CYC Service Agreement as per the Procurement Regs and the Council's Contract Procedure Rules. Procurement and Legal must be sought for further guidance and support when required.

36. ***Health and Wellbeing***

Public Health is broadly in favour of the recommendations under this report, as financial auditing of local authorities plays a crucial role in promoting health and wellbeing by ensuring efficient resource allocation, fostering transparency and accountability, preventing

fraud and mismanagement, facilitating long-term planning, and promoting stability and confidence within communities.

37. *Environment and Climate Action*

The recommendations set out within this report will ensure that CYC continues to receive necessary audit, risk, and assurance advice on environmental and climate change matters to help reduce CYC's environmental impact and identify relevant performance targets and measures that will help CYC work towards its goal of becoming net-zero by 2030.

38. *Affordability*

The recommendations of this report will secure continuing employment for a number of staff in York and wider region. It will also look to retain a cost-effective audit, risk and assurance service which supports CYC in providing assurances about the efficient and effective delivery of its services to the residents of York.

39. *Equalities and Human Rights*

CYC recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

At the time of writing, it is believed that there are no Equalities or Human Rights implications in respect of the matters discussed in this report. However, an Equalities Impact Assessment ("**EIA**") will be carried out in due course and the process of consulting on the recommendations in this report will identify any equalities implications on a case-by-case basis, and these will be addressed in future reports.

40. *Data Protection and Privacy*

Data protection impact assessments (“**DPIAs**”) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK data protection and privacy legislation. Failure to carry out a DPIA when required may leave CYC open to enforcement action, including monetary penalties or fines.

DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.

The DPIA screening questions were completed for this report and as there is no personal data being processed for the options set out in this decision report, there is no requirement to complete a DPIA at this point. However, this will be reviewed where required following the decisions from this report.

41. ***Communications***

Any Communications Service support necessary in relation to this report is likely to be limited to reactive media management only.

42. ***Economy***

There are no Economy implications to this report.

Risks and Mitigations

43. Please refer to **Background, Option Analysis Evidential Basis and Organisational Impact and Implications** above, and **Sections 37 to 66 and Appendix A of Confidential Annex A.**

Wards Impacted

44. All Wards.

Contact details

For further information please contact the authors of this Decision Report.

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Report approved:	Yes
Date:	9 th April 2024

Background papers

N/A

Annexes

- Confidential Annex A - Business Case for formation of Newco submitted by VL on 20th March 2024.
- Confidential Annex B – Veritau Group Budget 2024-25

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