

North Yorkshire County Council

Executive

Minutes of the meeting held at No. 3 Racecourse Lane, Northallerton on Tuesday, 3 September 2019 commencing at 11.00 am.

County Councillor Carl Les in the Chair. County Councillors Gareth Dadd, Caroline Dickinson, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Apologies:- County Councillors David Chance and Michael Harrison.

Officers present: David Bowe, Stuart Carlton, Emma Davis, Gary Fielding, Ian Fielding, Daniel Harry, Anton Hodge, Karen Iveson, Barry Khan, Steve Loach and Elaine Williams.

There was one representative of the press in attendance.

Copies of all documents considered are in the Minute Book

354. Minutes

Resolved –

That the Minutes of the meeting held on 13 August 2019, having been printed and circulated, be taken as read and are confirmed and signed by the Chairman as a correct record.

355. Declarations of Interest

There were no declarations of interest to note.

356. Questions and Statements from members of the public

The Leader noted that a written statement had been submitted to the Assistant Chief Executive (Legal and Democratic Services) in relation to the forthcoming item on the suspension of charges for home to school paid travel permits and post 16 travel. He provided a short break in the meeting to allow Members to read and take account of issues raised within the statement. Following the break the Assistant Chief Executive (Legal and Democratic Services) provided a summary of the main issues set out in the statement.

Full details of the statement are outlined, below:-

Thank you for this. I am frankly astounded and disturbed at this approach.

The accessibility of school buses is an issue of contract enforcement, and not of a change of Council policy. At

<https://scanmail.trustwave.com/?c=2863&d=s-Hi3fGtMawEIsLEdu4Mhtt51hUXZCPVvk2NOZ3DCLg&u=https%3a%2f%2fwww%2ewhatdotheyknow%2ecom%2frequest%2fbuses%5fwith%5ffare%5fpaying%5fschoolchi%5f2%23incoming-1305355>

the Council told me that their contract with transport providers includes the following term:

2.7 Vehicles

2.7.1 The Supplier shall ensure that Vehicles shall comply with all relevant requirements of law relating to construction (including the Equality Act 2010 and the Public Service Vehicle Accessibility Regulations 2000), equipment and use and shall ensure that the Vehicles are properly taxed, tested, licensed and insured, and where a Vehicle does not meet any element of these requirements then this would be considered a material breach of Agreement under clause 12.2.

The above clause means that the school transport providers contracted by the Council are under an existing contractual obligation to provide and use PSVAR compliant vehicles - certainly for services where one or more fare-paying pupil occupies a seat, and arguably for all services.

I laid an information/summons request against [a manager] because I understand she is the official within the Council with responsibility for monitoring compliance of school bus. She failed to enforce the Council's existing policy and contract terms that vehicles must comply with the Equality Act / PSVAR. My position is that she has failed in her duty of ensuring that the vehicles comply with the Council's existing obligation of PSVAR compliance. My contention is, therefore, that the transport providers are contravening S175 / PSVAR "with the consent ... of, or ... attributable to neglect on the part of" [a manager] as "a responsible person". I therefore contend that my summons request is entirely correct and will be writing to the Court to that effect.

As I am sure you are aware, the reason I raised this case is that I want accessibility and inclusion for disabled people on public transport. Communal travel, or the option for such, is very important.

The school bus forms a social function for many pupils. Segregation is bad for communities and individuals. The negative effect is known and acknowledged in South African and American civil rights history.

Separation of disabled people emphasises and exacerbates the perception of "otherness", both within the disabled person and amongst other school children. It isn't good for anybody. The adverse effects of said segregation are inalienably the case irrespective of the lack of complaints from disabled pupils and their relatives. Doubtless that is why the Government enacted the PSVAR.

I think the Council should consider how to achieve compliance with the PSVAR – not how to avoid or remove it. I also think your report is excessively negative about the costs and benefits of doing so. You haven't factored in the potential reduction in costs of the bespoke transport provided to disabled pupils, should they be able to use standard school transport; nor the increased opportunities experienced by transport firms running accessible transport.

The Council is under the Public Sector Equality Duty as set out in Section 149 of the Equality Act. In all of its actions and decisions, the Council is obliged to have due regard for the need to:

- Eliminate unlawful discrimination, harassment and victimisation

- Advance equality of opportunity between different groups
- Foster good relations between different groups

So far as I can see, the Council has not adequately considered or engaged with any of the above obligations concerning its school transport contracting function. Is it wholly unaware of the harmful effects on relations between different groups if they segregate them in public? How that causes and perpetuates disadvantage and inequality of opportunity? The impact on internalised oppression of disabled people? The Council's failure to consider such is shameful. To give a false analogy: Rosa Parks "got it", but the Council don't appear to do so.

The Council's lack of action in this area has a knock-on effect on other disabled people, not just pupils. I was unable to use an inaccessible rail replacement bus, thus being segregated and delayed by two hours. It was a brand-new school bus, yet it was inaccessible.

If the Council monitored and enforced their contract correctly, that bus would have been accessible, and I would not have suffered this inconvenience.

The Council's reliance on accessible taxis causes issues for other local disabled people: it is difficult to impossible in some areas to procure an accessible taxi between 8am-9:30am and 2:30pm-4pm because the majority of all of the accessible taxis are in use on school contracts. This problem is nationally recognised yet appears not to have factored as a significant issue.

The Council openly admits it did not emphasise accessibility during its school transport tendering. I find the following paragraph a damning indictment:

Past practice is that the Council does not set out to procure accessible vehicles for mainstream home to school transport. There is no specific obligation to do so, and transport needs for entitled pupils requiring accessible vehicles are met through bespoke arrangements. When services are put out to tender, operators are then free to offer accessible or non-accessible vehicles with contracts awarded on the basis of the lowest cost to the Council (subject to meeting minimum quality standards).

It couldn't be more transparent, could it? Accessibility was not given any serious consideration or priority when contracting for school transport provision. So much for compliance with the obligation to have due regard for disabled people's inclusion and equality.

The Council have caused this situation by failing to realise and challenge their complicity in the segregation of disabled people over the past several years. Why have the Council not factored (enforcing) accessibility into their consideration of mainstream school franchising over the last X years?

You aren't the only Council who have become aware of this situation - see for example Paragraph 1.9 of Lincolnshire County Council's scrutiny report at <http://scanmail.trustwave.com/?c=2863&d=s-Hi3fGtMawEIsLEDu4Mhtt51hUXZCPVkz9PYsBDeA&u=http%3a%2f%2flincolnshire%2emoderngov%2eco%2euk%2fdocuments%2fs28786%2fScrutiny%2520report%2520bus%2520services%2520June%25202019%2520AR%2epdf>

The final implementation of the Public Service Vehicle Accessibility Regulations 2000 (PSVAR) to make all local bus services accessible will come into effect on 1 January 2020.

This will prevent the use of nonaccessible coaches, long used by some operators for school services and may cause operators to further withdraw from the market

Irrespective of this, the fact that other Councils and various transport providers operate under a similar misapprehension exacerbates the situation rather than ameliorating it. It is even more important that the Council Does The Right Thing, in order to correct the rest of the industry's poor practice which continues despite the clear parliamentary statement in 2005:

<https://scanmail.trustwave.com/?c=2863&d=s-Hi3fGtMawEIsLEdu4Mhtt51hUXZCPVk2wXMHCXfQ&u=https%3a%2f%2fpublications%2eparliament%2euk%2fpa%2fld200405%2fldhansrd%2fvo050228%2ftext%2f50228-15%2ehtm>

Let me be clear: school buses are already required to comply with accessibility regulations under the DDA 1995 if they are operated as public service vehicles, regardless of whether they are operated by local authorities or privately.

The noble Lord was right about what a public service vehicle is. It is defined in the Public Passenger Vehicles Act 1981 by whether it is carrying passengers in return for payment. The term used in the Act, as the noble Lord identified, is "hire or reward". ...

Local services and scheduled services both include in their definition a requirement that passengers are carried as separate fares. Any such PSV used on a school service, where hire or reward is taking place, is already caught by accessibility regulations. Whether the service is provided by a local authority or a private operator makes no difference. What does make a difference is whether any passengers are carried as separate fares, which includes payment for the right to travel as part of a larger payment.

The Council has caused itself to have to deal with this situation in an unreasonable rush because it failed to take up the opportunity to deal with my concerns at an earlier stage.

I raised this matter by my detailed email of 8th February. The Council acknowledged and forwarded it to its transport department. They, not I, chose to deal with it as a complaint. They took an excessive amount of time to respond, and when they did respond, it was not decisive or helpful, even after appealing. I stated all along that I was going to take out a private prosecution. The Council took no significant action until I took out said private prosecution. It now has to scramble to mitigate the effects of such. Why wait until now to deal with the issue? Did the Council think I was bluffing?

I did not want to incur £400,000+ Council loss of income. The Council caused that unintended consequence by its moral and legal failure to promote accessible transport provision. I was taking action for disabled pupils to automatically have the opportunity to travel with their peers, normalising provision; and for the Council to use its powers and influence to shape transport markets such that there are more accessible vehicles.

It is now difficult for the Council to use that influence effectively because the Council's inaction means that current vehicles available for school transport work are nearly exclusively inaccessible. But it isn't too late to start. Instead of focussing on mechanisms of avoiding the legal obligation to use accessible vehicles, it should be concentrating on how to shape the market such that accessible vehicles are available and used for school transport work.

I hope that when you undertake your soft market testing / speculative tendering process, you do so with an open mind and with a focus on achieving what is possible accessibility-wise rather than assumptions about infeasibility and costs.

I don't feel able to attend the Council meeting; I am concerned that I would feel labelled and blamed for the current crisis. This would affect my physical health/impairment. I would request that as a reasonable adjustment, the Council read out the above sections of this email.

357. Suspension of Charges for Home to School Paid Travel Permits and Post 16 Travel (Notice of recent complaint regarding provision of a mainstream home to school transport for non-entitled and post 16 pupils and an explanation of the potential wider legal implications regarding compliance with equalities legislation)

County Councillor Greg White declared a pecuniary interest in this item in relation to his child attending post 16 education in North Yorkshire and utilising home to school transport to attend college. He withdrew from the meeting and took no part in the consideration nor vote on this matter.

Considered -

The report of the Corporate Director - Business and Environmental Services seeking approval to cease charging for home to school transport for non-entitled and post 16 children travelling on certain County Council provided home to school transport services until the legal position could be clarified.

Ian Fielding, Assistant Director, Waste Management, Waste and Countryside Services, presented the report, highlighting the following:-

- ◆ The County Council had a statutory duty to provide home to school transport free of charge to all eligible children up to the end of Year 11.
- ◆ The Council also had a duty to assist in the provision of transport for 16-19 year old pupils to travel to sixth form colleges. In this case the Council is allowed to recover a contribution towards the costs.
- ◆ The Council has no obligation to make arrangements to transport non-entitled children to school but has a power to do so under Section 508C of the Act. The Council makes a charge in this case.
- ◆ The current practice by the County Council is that home to school transport is arranged only for entitled pupils, but any spare seats on buses or coaches are made available to non-entitled children and post 16 pupils for a charge. Details of the full year charges were provided.
- ◆ Selling spare seats on home to school transport to non-entitled and post 16 pupils makes effective use of spare capacity in the service, providing a safe and effective service for pupils not eligible for free transport.
- ◆ In relation to this, the County Council received £415k in income from the sale of those seats.

- ◆ In addition the County Council received approximately £196k in income from the sale of daily fares to non-entitled and post 16 pupils.
- ◆ In meeting statutory functions for the provision of the service the Council seeks tenders from operators to transport only entitled pupils and does not set out to provide larger vehicles than necessary. It is not unusual, however, for operators to provide vehicles with greater seats than are needed to transport only entitled pupils. These seats can either remain empty or the Council can allow others to use these spare seats.
- ◆ The County Council had received a complaint in relation to operating vehicles with fee paying passengers, ie the non-entitled pupils and the post 16 pupils in contravention of the Public Service Vehicles Accessibility Regulations (PSVAR) 2000 and the Equality Act 2010.
- ◆ Definitions of the Regulations and how these were applied to vehicles were provided within the report and it was noted that many of the vehicles used for home to school transport did not comply.
- ◆ The complaint resulted from a specific home to school transport service in the Craven area where it was alleged that a vehicle of more than 22 seats was being utilised for the service without being compliant with Schedule 1 of the PSVAR in that it was not accessible for wheelchair users.
- ◆ Prior to the receipt of the complaint it had been understood that home to school services were exempt from PSVAR regardless of whether spare seats were sold but the complaint had led to a review of this matter, involving taking legal advice as well discussions with the regulatory bodies involved.
- ◆ These discussions had established that the understanding and practice within North Yorkshire was common amongst local authorities and in particular with shire counties and rural authorities who commonly used the income from selling spare seats to help fund the cost of delivery of the service. It was widely understood that PSVAR did not apply to home to school transport.
- ◆ In July 2019 the complainant advised that proceedings to bring a private prosecution against a named officer of the County Council in relation to home to school transport services not being compliant with PSVAR, creating an offence under S175 of the Equality Act, had been commenced.
- ◆ In view of that officers were recommending that continuing with the existing arrangements was not acceptable and that immediate action should be taken to address the issues in the short term, with further action taken to develop a sustainable long term solution.
- ◆ The options available to the County Council in relation to the affected services were as follows:-
 - Do nothing.
 - Use complaint vehicles on routes where at least one pupil has a paid travel permit.
 - Cease transporting some or all non-entitled and post 16 pupils.
 - Cease charging some or all non-entitled and post 16 pupils to travel.

- ◆ Details of the implications of each of those proposals were set out in full in the report.
- ◆ The proposal was that in order to remove any doubt about compliance with the Equality Act 2010 and the PSVAR Regulations 2000 the County Council would:-
 - Cease charging non-entitled and post 16 pupils to travel on Council provided home to school transport for a period up to the end of 2019/20 academic year.
 - Cease taking any further applications for paid travel permits until the legal position was clarified and/or changed.
 - Carry out further soft market testing and seek speculative tenders, where appropriate, to better understand the feasibility and cost differential of providing PSVAR compliant vehicles.
 - A further report, with appropriate equality impact assessment, be brought to the Executive prior to the end of 2019/20 academic year with either -
 - (a) proposals to reintroduce charges where suitable clarification or a change in law had been provided and would allow this to take place; or
 - (b) long term proposals to address the application of PSVAR to home to school transport including a consideration as to whether the Council cease to provide transport using spare seats on buses that did not comply with PSVAR or continue to provide them free of charge.
- ◆ It would be desirable to conclude the Council's position on the potential to arrange to reduce charges before 31 May 2020 in line with the publication of the County Council's Transport Policy Statement.
- ◆ Operators were aware of the contents of the report and would be advised of actions to be taken as a result of the Executive's decision on this. School transport operators were legally obliged to comply with the Regulations, where applicable, but were not aware which pupils were entitled to free travel and which pupils, if any, were non-entitled or post 16 holding a paid travel permit.
- ◆ The threat to the operators market and the risk in moving towards a provision of accessible vehicles for mainstream home to school transport, resulting in the potential loss of operators and with the corresponding pressure on prices, was outlined. It was noted that the implications could have potential wider impacts on overall local bus services.
- ◆ A number of schools also provided their own bus services for non-entitled and post 16 pupils. The services were within the challenge and it would not be appropriate, therefore, for the County Council to expose itself to additional risk by continuing to assist with the organisation of transport for schools in the same way. However, it should be a matter for each school to decide how to respond and the

County Council could not unilaterally decide that the school should forego its income and/or cease transporting pupils.

- ◆ It was proposed that the County Council would offer financial support to the relevant schools to cover lost income for a limited period of time to enable them to arrange their own transport and take appropriate legal advice, and determine an appropriate response, in cases where school transport was in place.
- ◆ In conclusion the County Council provided home to school transport in good faith and in a genuine belief that it complied with all legal obligations.
- ◆ A recent challenge had caused a review of operating practice through a failure to comply with statutory requirements for the vehicles to be accessible for wheelchairs.
- ◆ The County Council was committed to equal opportunities and improving accessibility as outlined in the Council's Equalities Policy.
- ◆ Whilst it was desirable, therefore, that all school transport should be accessible it was not a statutory requirement. Services provided free of charge were exempt from the Regulations meaning that mainstream home to school transport could be provided cost effectively using non-compliant vehicles. The Council retains its statutory duty, therefore, to transport all entitled children and fulfils this when required through the provision of bespoke arrangements.
- ◆ The challenge to current practice relates only to services where the Council allows non-entitled and post 16 pupils to occupy the spare seats on school buses.
- ◆ The Council now has to decide what action to take in response to the dilemma, taking account of the four options identified in the report and the implications of each of those.
- ◆ The report provided details of the legal impacts, financial impacts and equality impacts of the proposals.

Following the initial presentation a number of issues and points were raised as follows:-

- ◆ County Councillor Patrick Mulligan requested clarification of the potential costs to the County Council in line with the options outlined, noting the extensive costs involved of bringing the vehicles up to compliance with PSVAR. It was noted that the details were contained within paragraph 12.3 of the report which highlighted the full year costs for each of the proposals. Details of the estimated reduction in income for the next three years were also outlined. County Councillor Mulligan considered that the complainant had focused on a technical legality, but had not considered the impact that this would have on families across the County. There was a risk that this could lead to the cessation of transport for post 16 pupils in the region and a risk that through complying with the legislation the current transport arrangements could be removed for all. Ian Fielding noted the concerns but emphasised the need to comply with the legislation and stated that, in Wales, as a result of this situation, a decision had been made not to transport post 16 pupils.
- ◆ County Councillor Gareth Dadd emphasised that there was no desire to discriminate against disabled young people by the County Council and agreed that

the issue had to be addressed. He noted, however, that although well intended, this legislation appeared more akin to home to school transport usage in urban areas and did not take account of how this would be applied in remote, rural areas. He also emphasised the impact that this would have on the County Council trying to balance its budget, enabling all vulnerable people could be supported, and noted the risk involved from the impact of the additional costs created by this. He asked whether disabled children in the area could access the provided school transport so that they could travel to school with their peers. In response to the issues raised Ian Fielding stated that accessible vehicles were available and should a child, in a wheelchair, wish to travel to mainstream school with their peers, then every effort would be made to provide that transport. He emphasised that the provision was not a public service and home to school transport were aware as to who would be travelling on which vehicle, therefore pupils with disabilities were provided with appropriate transport arrangements.

It was noted that no complaints had been received by the County Council in relation to home to school transport services not providing appropriate facilities for disabled children.

County Councillor Dadd stated that whilst he had some sympathy with the complainant in terms of ensuring that the legislation was adhered to, he noted that there had been no complaints with regard to the provision of home to school transport for disabled children. He recognised the need for the Council to follow the appropriate legislation but re-emphasised the difficulties that this created for balancing the budget.

- ◆ County Councillor Janet Sanderson whilst recognising the need to prevent discrimination against disabled children, considered there was also a need to be pragmatic in such circumstances and noted the impact that withdrawal of home to school transport services could have on the environment as well as the financial burden on the taxpayer and the parents of the children if those services could not be provided.
- ◆ County Councillor Don Mackenzie stated that he agreed with the issues raised by other Members, particularly as there had been no complaints in respect of the provision of home to school transport for disabled children, but, as had been outlined, non-compliance with the legislation required action to be taken.

As Executive Member with responsibility for access he outlined his disappointment that the person who submitted the public statement had not felt able to attend the meeting and outline their objections, as detailed in the statement, as the complainant would have been welcomed by all and allowed to present their views to the Executive. He emphasised he did not want people to feel that they were disadvantaged due to access issues.

In terms of the provision of home to school transport he suggested that the County Council provided an excellent service with a significant proportion of the funding provided utilised in the provision of transport for children with disabilities. He emphasised that he was unaware of any disabled person that had been disadvantaged by the Policy.

He noted that the County Council provided free bus passes for people with disabilities, with around 8.5k people benefitting from the free bus services in place in relation to that.

He acknowledged the proposals in respect of carrying out further soft market testing to better understand the feasibility cost differential of providing PSVAR complaint vehicles and that, in the interim, charges would be waived for a 12 month period to determine how best to develop the service going forward.

He considered it appropriate that the recommendations, as detailed, be supported to ensure that the practices undertaken by the County Council were not considered to be discriminatory.

Resolved -

- (i) That the Council ceases charging non-entitled and post 16 pupils to travel on home to school transport except:
 - (a) where daily fares are charged and vehicles are compliant with PSVAR;
 - (b) for mainstream pupils transported:
 - (i) by rail;
 - (ii) by commercial bus services;
 - (iii) by vehicles which are otherwise exempt from PSVAR (ie fewer than 22 seats).
- (ii) That charges be waived initially for the Autumn Term 2019 and extended as necessary, on a term by term basis, for a period up to the end of the 2019/20 academic year.
- (iii) That a further report be brought to the Executive prior to the end of the 2019/20 academic year with either:
 - (a) proposals to reintroduce charges where suitable clarification or a change in law has been provided that would enable the reintroduction of such charges or, in the event that clarification or a change in law is not provided by that time; or
 - (b) long term proposals to address the application of PSVAR to home to school transport, including recommendations as to whether the Council ceases to provide transport, using spare seats on buses that do not comply with PSVAR or continues to offer them free of charge.
- (iv) That an Equality Impact Assessment be undertaken involving consultation with key stakeholders prior to any further decision concerning either the reintroduction of charges for non-entitled and post 16 pupils, or other proposed arrangements for the period beyond the end of 2019/20 academic year.
- (v) That no further applications for paid travel permits be accepted for the 2019/20 academic year except for post 16 pupils which will be considered using the usual criteria until the end of September 2019.

- (vi) That the County Council immediately cease collecting income for transport arranged on behalf of schools (except where vehicles are compliant with PSVAR) and ceases to arrange transport for those schools from the beginning of the 2020/21 academic year (or earlier by agreement), and that discussions are held with those schools to determine the level of appropriate financial support (if any) from the County Council, necessary as a consequence of lost income.
- (vii) That all schools within North Yorkshire be advised of the contents of this report and the decisions of the Executive relating to this report.

County Councillor Greg White returned to the meeting.

358. Quarterly Performance - Capital Plan

Considered -

The joint report of the Chief Executive and Corporate Director - Strategic Resources requesting Members to consider and approve the refreshed Capital Plan as summarised in the report.

County Councillor Gareth Dadd introduced the report handing over to the Corporate Director - Strategic Resources to provide highlights of the details contained within the report.

The Corporate Director - Strategic Resources, Gary Fielding, highlighted the following issues:-

- ◆ The Capital Plan report had been reviewed in an attempt to clarify specific risks and issues with more effective details of capital schemes provided.
- ◆ Paragraphs 3.3 through to 3.16 provided details of the major capital schemes currently taking place to ensure that the Executive were able to maintain a detailed account of these schemes.
- ◆ The Council was currently planning to invest £151.1m on capital schemes during 2019/20 and £283m in total over the next five years.
- ◆ Additional schemes added to the Capital Plan during the quarter included:-
 - Flood risk management.
 - Library capital.
 - Corporate accommodation.

Details of the schemes and the budget allocated were provided in the report.

- ◆ Details of the re-profiling and accelerated spend since the last Plan were presented, together with details of budgets that had been removed from the Capital Plan as they were no longer required. The removed schemes, identified in the report, provided additional savings.
- ◆ In terms of the Basic Need Programme and School Condition Programme (CYPS) Gary Fielding noted that although these had been removed from the Capital Plan

at this stage, issues around school places and capital funding for schools, going forward, could re-emerge which, in turn, could result in a reconsideration of these being reintroduced to the Capital Plan.

- ◆ The removal of these projects, together with two Health and Adult Services projects had resulted in significant savings in the region of £16.25m.
- ◆ Paragraph 5.7 provided details of a potential £15.3m of unallocated capital funding that may become available over the Capital Plan period and it was expected that priorities for the potential use of this funding would be developed going forward.

Resolved -

- (i) That the refreshed Capital Plan, summarised at paragraph 2.3 of the report, be approved.
- (ii) That it be agreed that no action be taken at this stage to allocate any additional capital resources (paragraph 5.10).

359. North Yorkshire Integrated Sexual Health Services

Considered -

The report of the Director of Public Health, Health and Adult Services, seeking to gain approval to:-

- (i) enter into a Section 75 Partnership Agreement with current provider, York Teaching Hospital NHS Foundation Trust, under Section 75 of National Health Services Act 2006, to work collaboratively to continue to deliver a fully integrated sexual health service;
- (ii) set up a Joint Management Board between North Yorkshire County Council and York Teaching Hospital NHS Foundation Trust to oversee the agreement, improve integrated pathways and ways of working and develop a joint accountability framework;
- (iii) start a four week consultation in respect of these arrangements.

County Councillor Caroline Dickinson introduced the report, highlighting the following:-

- ◆ York Teaching Hospital NHS Foundation Trust had been the provider of the integrated sexual health service in North Yorkshire (YOR Sexual Health) from 1 March 2015 with an expiry date of 31 March 2018.
- ◆ The existing contract had an option to extend the contract period for a further two years, which had been taken, resulting in the contract being in place until 31 March 2020.
- ◆ North Yorkshire County Council wished York Teaching Hospital NHS Foundation Trust to continue to deliver the service as it provided an effective, high quality, value for money service to its residents and, therefore, a Section 75 Agreement was being sought.

- ◆ The report set out the pros and cons of entering into a Section 75 Agreement.
- ◆ It was noted that the existing provider was very experienced and had established a high quality well regarded integrated sexual health service throughout North Yorkshire which they continually reviewed to explore ways of improving service delivery.
- ◆ The current service was being delivered within the agreed budget.
- ◆ The report set out the policy, financial and legal implications of entering into the Section 75 Agreement.
- ◆ Should the Section 75 proposal be approved North Yorkshire County Council would consult with any person who may be affected by the partnership being put in place by publishing an online consultation on the Council website for a four week period, starting 12 September. The consultation would invite comments from both the public and interested parties.
- ◆ The County Council would continue to work with the provider to ensure that there was no significant negative impact on the health and wellbeing of the North Yorkshire population.
- ◆ A Section 75 Partnership Agreement was being sought to allow work to continue collaboratively to deliver a high quality and well regarded integrated sexual health service. The approach would facilitate the delivery of the required savings which would ensure that the service delivered value for money and remained sustainable over the next ten years.
- ◆ A Joint Management Board between North Yorkshire County Council and York Teaching Hospital NHS Foundation Trust to oversee the agreement would be established, to improve integrated pathways and ways of working and develop a joint accountability framework
- ◆ The co-operative arrangements with joint management would strengthen the existing relationships with York Teaching Hospital NHS Foundation Trust and would allow greater scope and flexibility to explore further collaboration opportunities in the future.
- ◆ Accountability and risk sharing would be shared appropriately between the Council and the provider.

Following the initial presentation of the report the following issues and points were raised:-

- ◆ County Councillor Gareth Dadd asked whether the Section 75 Agreement would enable the access to services, which had been developed in rural areas over the last five years, to be maintained and developed upon. He noted that outreach services and the ability to undertake home testing had proved very beneficial to many rural communities. In response, Emma Davis, Health Improvement Manager, emphasised that these services would not only continue but would be built upon and developed accordingly. This would assist in providing access to appropriate services across the whole of North Yorkshire.

Resolved -

- (i) That the content of the current sexual health arrangements be noted and the proposal for a Section 75 Agreement with York Teaching Hospital NHS Foundation Trust be approved.
- (ii) That approval be given to a four week consultation on the use of Section 75 Agreement between NYCC and York Teaching Hospital NHS Foundation Trust, to deliver an integrated sexual health service, with the consultation commencing on 12 September until 10 October 2019.

360. Forward Work Plan

Considered -

The Forward Plan for the period 3 September 2019 to 18 February 2020.

Resolved -

That the Forward Plan be noted.

The meeting concluded at 11.50 am.

SL/JR