

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 17th January 2023 commencing at 11.00 am.

County Councillor Carl Les in the Chair. plus County Councillors Gareth Dadd, Derek Bastiman, Michael Harrison, Simon Myers, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

In attendance: County Councillors Paul Haslam, Caroline Dickinson, Bryn Griffiths, Steve Mason and Andrew Murday.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Melanie Carr, Daniel Harry, Neil Irving, Moira Beighton, Jennifer Norton and Jos Holmes.

Other Attendees: Stuart Minting.

Apologies: County Councillor Janet Sanderson.

Copies of all documents considered are in the Minute Book

151 Minutes of the Meeting held on 10 January 2023

Resolved –

That the public Minutes of the meeting held on 10 January 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

152 Declarations of Interest

There were no declarations of interest.

153 Public Questions and Statements

There were no public questions or statements.

154 Approval of new Constitution

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer presenting the governance arrangements, and a draft Constitution, for the new unitary authority, for the Executive's consideration and recommendation to full Council for approval. It also presented draft executive arrangements for executive functions for approval by the Leader and draft delegations for the Executive's approval.

County Councillor David Chance introduced the report and thanked all the Members who had contributed to the work of the associated member working groups, and the officers who had support those groups to inform the revisions to the Constitution. He also acknowledged the collaborative contributions from the seven district and borough councils, and noted the draft Constitution now included the district/borough council functions which

the new authority would take on.

He confirmed that development of the draft Constitution had continued since the working group agreed its proposals for the various sections, and Barry Khan - Assistant Chief Executive (Legal and Democratic Services) drew attention to a document tabled at the meeting (see Appendix A) containing further amendments identified since the report had been published.

County Councillor David Chance went on to introduce the individual sections that made up the draft Constitution and drew specific attention to the following:

Part 1

The proposed delegation of the completion of the introduction section to the Monitoring officer once all other sections were approved.

Part 3

- The overall proposed governance structure and a number of proposed substantive changes i.e.:

- a Strategic Planning Committee (12 members)
- six Area Constituency Planning Committees based on MP constituency boundaries
- a Statutory Licensing Committee and sub-committees (7 members)
- a General Licensing and Registration Committee and sub-committees
- six Area Constituency Committees following the MP constituency boundaries (dealing with both executive and non-executive functions)
- six Overview and Scrutiny Committees
- a Standards and Governance Committee with an expanded size and role
- North Yorkshire Police & Crime Panel (7 NYC & 3 CoY)

- The proposed executive arrangements and delegations proposed for the Leader's approval

- The re-written Officers' Delegation Scheme in Schedule 4, to reflect the new proposed structure and the transfer of district/borough council functions

- The need for a more detailed review of the Schedule of Appointments to Outside Bodies in Schedule 5, post vesting day.

Part 4

Some majority and substantive amendments proposed to:

- the Council Procedure Rules, including putting time limits on Executive question time but making it a constitutional requirement for the Executive to respond to members' written questions at all times outside of the council meeting, with the answers being published on the Council's website
- the Financial Procedure Rules
- the Procurement and Contract Procedure Rules

Part 5

- A draft Code of Conduct for Members which took account of the new national model code of conduct issued by the Local Government Association.

- The intention to include the Planning Code of Conduct and a new Protocol re Honorary Aldermen and Alderwomen

Part 6

The separate approval process being undertaken for the Members' Allowance Scheme.

Part 7

The inclusion of a new management structure for NYC.

In regard to Part 3, the section on Questions to Members at paragraph 10.3(d), County Councillor Bryn Griffiths queried the proposed amendment to limit the time permitted for questions and comments to a portfolio holder to a maximum of 5 minutes. He suggested it was effectively a guillotine on members of the council and a curtailing of democracy.

In response, the practical and logistical issues related to the proposed 5-minute cap were outlined and it was noted:

- The primary purpose of a Full Council meeting was to debate and set policy.
- The rationale behind the proposal was to address the sometimes considerable time spent on questions which had lengthened over time, and to ensure there was time available to enable questions for all portfolio holders to be heard, which currently was not always the case due to the time taken up on earlier questions in the meeting.
- The introduction a new mechanism for the online publication of Members' questions submitted outside of public meetings and the associated Executive member responses was proposed.
- The Chair would still have discretion to extend the time for questions
- The cross-party member working group had agreed the proposal of a 5 minutes cap.

County Councillor Carl Les reiterated the thanks given to members of the Constitutional Working Group and its supporting officers, and having considered the recommendations within the report it was

Resolved:

The Leader approved the draft executive arrangements and delegations set out in the draft Constitution attached at Appendix 1, to apply from Vesting Day on 1 April 2023;

The full Executive agreed that:

- i. The new unitary authority be known as "North Yorkshire Council" from Vesting Day on 1 April 2023, in accordance with the North Yorkshire (Structural Changes) Order 2022;
- ii. It be recommended to full Council that it delegates the local choice functions and non-executive functions as set out in Part 3 of the Constitution at Appendix 1;
- iii. The proposed NYC Constitution at Appendix 1 be recommended to full Council for approval, to apply from Vesting Day on 1 April 2023;
- iv. It be recommended to full Council that full Council specifically appoint those officers listed in Article 12.06 to the posts identified, including the Assistant Chief Executive Legal and Democratic Services as the Deputy Electoral Registration Officer and Deputy Returning Officer and specifically designate the Assistant Chief Executive Legal and Democratic Services to be Proper Officer for any other proper officer function not specified in Article 12.06.
- v. Executive appointments to Outside Bodies as set out in the Schedule of Appointment to Outside Bodies in Part 3 Schedule 5 of the draft Constitution at Appendix 1 be approved;
- vi. It be recommended to full Council for approval, the Council appointments to Outside Bodies as set out in the Schedule of Appointment to Outside Bodies in Part 3 Schedule 5 of the draft Constitution at Appendix 1 and the inclusion of the updated Schedule of Appointments to Outside Bodies in the Constitution.
- vii. It be recommended to full Council for approval, the Rules of Procedure set out in Part

- 4 of the draft Constitution at Appendix 1;
- ix. It be recommended to full Council for approval, and inclusion in the Constitution, the Members' Code of Conduct, the draft Planning Code of Conduct and the other Protocols and Guidance Note set out in Part 5 of the draft Constitution at Appendix 1;
 - x. It be recommended to full Council that the proposed council committees, their size and suggested meeting frequency be established as set out at Appendix 3.
 - xi. The operation of the new NYC Constitution be reviewed after one year;
 - xii. It be recommended to full Council that a delegation be made to the Assistant Chief Executive (Legal and Democratic Services) by full Council to enable the Assistant Chief Executive (Legal and Democratic Services) to make any further necessary consequential or other amendments to the Constitution for North Yorkshire Council to reflect and implement any further developments in the local government re-organisation process prior to Vesting Day on 1 April 2023, including but not limited to:
 - a) the inclusion of the Members' Allowances Scheme (and supporting guidance documents) once agreed under the separate process;
 - b) the inclusion of the administrative parts of the Constitution such as the cover page, contents page and index once the detailed drafting of the Constitution is complete and the content has been approved;
 - c) the making of any necessary textual revisions to ensure that the separate sections of the Constitution are consistent and work together as a whole;
 - xiii. In relation to executive functions, any specific delegation made, and any authorisation to officers in force immediately prior to Vesting Day, continue in force on and after Vesting Day, and any action taken thereunder shall remain valid, unless and until it is superseded by a further delegation or authorisation;
 - xiv. It be recommended to full Council that full Council (in relation to non-executive functions) resolves that, for the avoidance of doubt, any specific delegation made, and any authorisation, to officers in force immediately prior to Vesting Day continue in force on and after Vesting Day, and any action taken thereunder shall remain valid, unless and until it is superseded by a further delegation or authorisation;

155 North Yorkshire Climate Change Strategy Consultation Draft and York and North Yorkshire Routemap to Carbon Negative

Considered – A report of the Assistant Director Policy, Partnerships and Communities, seeking endorsement of York and North Yorkshire's Routemap to Carbon Negative and proposing a public consultation on a Draft North Yorkshire Council Climate Change Strategy 2023-2030.

County Councillor Greg White introduced the report, confirming the previous commitment made by the County Council and the seven district and borough councils to be carbon neutral as organisations by 2023. He drew attention to the proposal within the report that the County Council now endorse a new York and North Yorkshire's Routemap to Carbon Negative Plan developed by York and North Yorkshire LEP detailing how the region as a whole (businesses, communities and public sector) could achieve net zero by 2034 and carbon negative by 2040. He confirmed the Routemap took account of the current district and borough council plans and stressed that the new North Yorkshire Council would not be able to deliver the LEP's Plan by itself and therefore could only play a strategic leadership role in achieving those targets.

Jos Holmes - Climate Change Policy Officer, provided an overview of the work undertaken to date to develop a draft Climate Change Strategy 2023-2030 and noted the contributions of partners. She also drew attention to the Action Plan and Operational Plan within the Strategy, and outlined the four key pillars i.e., Mitigation; Adaptation; Supporting Nature to Thrive; and Achieving net zero in NYC operational activity by 2030.

In response to Members questions it was confirmed:

- It was not in NYC's gift to deliver the aspirations within the LEP's new Routemap to Carbon Negative Plan, it could only contribute.
- There would be a continued focus on NYCC's operations and all interim actions would continue.
- Full consideration would be given to the feedback generated by the proposed public consultation.
- The consequence of inaction would be taken account of, in considering any proposed actions and their associated costs.

County Councillor Paul Haslam welcomed the second iteration of NYCC's Strategy but queried whether the time horizons made sense. He also questioned the mechanism to scrutinise its implementation.

Regarding the LEP's Routemap to Carbon Negative Plan:

- County Councillor Keane Duncan welcomed the scale of its ambition but highlighted the many aspirational targets within it and raised concern about the practicalities of delivering them.
- County Councillor Simon Myers recognised the benefit it might bring providing opportunities for the region through the upskilling of its workforce, better paid jobs etc, but expressed caution in promising something which the new NYC could not afford to deliver.
- County Councillor Gareth Dadd noted that every action had a consequence and suggested a pragmatic approach was required in this time of austerity, as its delivery could not be to the detriment of the budgets available for services for vulnerable people.

Finally, County Councillor Carl Les confirmed his intention to introduce a new Members Champion with a focus on Climate Change and Biodiversity, as part of the new NYC arrangements.

Resolved - That:

- i. The York and North Yorkshire's Routemap to Carbon Negative Plan be endorsed, whilst recognising that many of the ambitions and actions in the Routemap were the responsibility of others and outside the control and influence of the Council.
- ii. A public consultation on the Draft North Yorkshire Council Climate Change Strategy 2023-2030 be undertaken and the Assistant Director Policy, Partnerships and Communities be authorised to make any necessary changes to the text in line with the discussion at the meeting and;
- iii. A further report be received, after the conclusion of the public consultation, outlining the results of the consultation and including the proposed North Yorkshire Council Climate Change Strategy 2023-2030.

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services). County Councillor Annabel Wilkinson introduced the report which proposed that County Councillor Heather Philips be appointed to the Council's Corporate Parenting Members' Group, in her capacity as the Vice Chair of the Young People's Overview and Scrutiny Committee

Resolved –

That County Councillor Heather Philips be appointed to the Council's Corporate Parenting Members' Group.

157 Forward Plan

Considered –

The Forward Plan for the period 9 January 2023 to 31 January 2024 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 12.22 pm.