

Meeting: Transition (LGR) Overview and Scrutiny Committee

Members: Councillors Philip Broadbank, Nick Brown, Caroline Dickinson, Kevin Foster, Richard Foster, Bryn Griffiths (Vice-Chair), George Jabbour, Andrew Lee, John Mann, Heather Moorhouse, Bob Packham, Stuart Parsons, Clive Pearson, John Ritchie and Malcolm Taylor (Chair).

Date: Monday, 11th March, 2024

Time: 10.00 am

Venue: Brierley Room, County Hall, Northallerton, DL7 8AD

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the Democratic Services Officer, whose details are below, if you would like to find out more.

This meeting is being held as an in-person meeting.

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AGENDA

1. Apologies for Absence

2. Minutes of the Meeting held on 4 December 2023 (Pages 3 - 12)

3. Declarations of Interests

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

4. Public Participation

Members of the public may ask questions or make statements at this meeting if they have given notice (to include the text of the question/statement) to Will Baines, Senior Scrutiny Officer (*contact details below*) no later than midday on Wednesday 6 March 2024. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- At this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- When the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chair who will instruct those taking a recording to cease while you speak.

- 5. Verbal progress update from Robert Ling, Director of Transformation**
- 6. Combined Authority Governance** (Pages 13 - 20)
- 7. Harbour Services** (Pages 21 - 26)
- 8. Bereavement Service** (Pages 27 - 34)
- 9. Standing items update**
To receive any updates on Customer Services and Restructures.
- 10. Work Programme** (Pages 35 - 38)
Purpose of the report: To ask Members to consider, amend and add to the Committee's work programme.
- 11. Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
- 12. Date of Next Meeting**
Monday 10 June 2024. Please note the 2pm start time.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Contact details:

For enquiries relating to this agenda, please contact Will Baines, Senior Scrutiny Officer - Tel: 01609 533885 or email: william.baines@northyorks.gov.uk

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Friday, 1 March 2024

North Yorkshire Council

Transition (LGR) Overview and Scrutiny Committee

Minutes of the meeting held on Monday, 4th December, 2023 commencing at 2.00 pm.

Councillor Malcolm Taylor in the Chair plus Councillors Philip Broadbank, Nick Brown, Caroline Dickinson, Kevin Foster, Richard Foster, Bryn Griffiths, George Jabbour, Andrew Lee, John Mann, Heather Moorhouse, Bob Packham and Subash Sharma (substitute).

In attendance (in person): Councillors Chris Aldred, Derek Bastiman, Michelle Donohue-Moncrieff, Tom Jones and Carl Les.

In attendance (virtual): Councillors Andy Brown, Melanie Davis, Caroline Goodrick, Paul Haslam, Mike Jordan, Simon Myers, Tony Randerson and Andy Solloway.

Officers present: Angela Crossland, Trudy Forster, Jo Ireland, Barry Khan, Robert Ling and Will Baines.

Apologies: Councillors Stuart Parsons, Clive Pearson and John Ritchie (substitute Councillor Subash Sharma)

Copies of all documents considered are in the Minute Book

1 Apologies for Absence

Apologies for absence were received from Councillors Clive Pearson, Stuart Parsons and John Ritchie, with Councillor Subash Sharma substituting.

2 Minutes of the Meeting held on 4 September 2023

Resolved -

That the minutes of the meeting held on 4 September 2023, having been printed and circulated, be taken as read and confirmed as a correct record.

3 Declarations of Interests

Councillor Kevin Foster declared a personal interest in agenda item 8 (Mayoral Combined Authority Governance).

4 Exclusion of the Public

This item was not required.

5 Public Participation

No public questions or statements were received.

6 Verbal update from Robert Ling, Director of Transformation on LGR progress

Robert Ling, Director of Transformation, attended to update the committee:

- Following a review of service plans, meetings are now taking place to discuss the budget proposals for 2024/25 and future years.
- On the broader transformation programme, a key period of convergence is coming up, to bring service teams together.
- The challenge now is to bring these service teams together so they can work as one. Restructures are taking place to focus on how teams need to operate in the future.
- Work to bring the IT systems together to be used by one team is ongoing at pace. As the restructures move forward and teams align into one, this will become more of an issue. As this work is carried out, it will have knock on effects early next year, for example the different policies and fees and charges of the predecessor authorities not aligning, so these will need to be resolved.
- The Target Operating Model will put the customer at the heart of the process. There are elements of this that are not quite right at the moment, from the website to face to face, but work is agreed and being carried out.
- The way we work as a council, with teams located in different offices and in different ways, is another key focus for the months ahead. In some areas there are currently eight ways of carrying out tasks, so it is important that we learn the best practice from each of the predecessor councils, agreeing the best way of working and then rolling that out across the service delivery teams
- Trying to resolve these issues is important for officers to work as effectively and efficiently as they can.
- Bringing the service teams together (convergence) and tackling the budget deficit is the biggest areas of work at this time.
- The next stage following this is aligning the resources and the approach to decide which programmes and projects move forward as part of this.
- Staff with multi-disciplinary roles is a challenge to unpick and it isn't straightforward. Extra investment has gone into HR teams and the job evaluation process to facilitate the restructures as quickly as possible.
- Although the garden waste and bulky waste service have been centralised at the front end on the website, the customer services and systems in each locality area to process the applications are currently all using different systems to administer that.

Following this, questions and comments raised by the committee included:

- The time taken for the convergence process of bringing together staff under one umbrella was raised as a concern, and whether there was any benchmarking data available around corporate buy-in. In response, it was noted that some teams are having restructures quicker than others, but there is an understanding that colleagues want certainty. The challenge of rewriting job descriptions and making sure the new alignment of teams works is one that does take a bit of time.
- On bringing in external support, it is important to get the balance right between the improvement in the pace of delivery that extra support will bring against the expected cost.
- The delays with answering phone calls from residents, sometimes up to 8 to 10 minutes to get through to an advisor was highlighted as a concern. Further information was to be sought into the examples raised.
- The importance of getting the customer services approach and performance levels right was highlighted. The customer is a crosscutting theme across the Target Operating

Model, as it is fundamental that the first point of contact at the front door with citizens is the right one to deliver the experience and level of customer satisfaction required.

- The timelines for the transformation process were queried. In response, it was noted that there is a lot of focus at the moment on convergence, but there are also opportunities once one team and one system is in place to start making transformative change, initially through getting every area of the county up to one service standard. In some areas this will mean no change, as their previous service standards and processes are adopted across North Yorkshire, but in other areas they will see the benefits of an improved service through the standardised approach.

Resolved – That the verbal update be noted.

7 Strategic Leisure Review

Considered – Report of the Assistant Director of Culture, Leisure, Archives and Libraries setting out the key findings from the first phase of the Strategic Leisure Review (SLR).

Some of the key points highlighted in the covering report and presentation are as summarised below:

- The work of the SLR has been supported by a cross party member working group to help shape the review recommendations with their valuable insight and perspective.
- Physical activity levels as a population are now lower than they have been in previous decades, so enabling citizens to get active is key to improving the physical and mental health of individuals.
- In North Yorkshire, there are some great leisure assets, physical facilities, skilled staff and significant programmes and outcomes, but we could do a lot more to positively impact on the health of the population and tackling health inequalities.
- The original scope of the Strategic Leisure Review was outlined, with a focus on the three pillars of 'Built Facilities', 'Community Sport & Outreach' and a wider system piece of 'Active Environments'.
- Phase one of the SLR has been the development of a clear, long-term vision and delivery model, to shape what North Yorkshire Council want our future leisure service to look like. Recommendations are also made on the management model for how leisure services are delivered going forwards.
- Phase two (from the new year onwards) is the development of a Leisure Asset Investment Strategy, which will set out options for individual sites around future investment, rationalisation and other options (asset transfer etc).
- North Yorkshire Council has the largest local authority leisure portfolio in the country. The council leisure budget for 2023/24 is £7.1 million, with an income of around £16.1 million across all sites. The portfolio comprises 23 leisure centres and 16 pools, with a developing health and wellbeing offer alongside a strong sports development offer in some parts of the county. This shows the size and scale of the service area but also the opportunities that brings.
- North Yorkshire currently has a complex mix of leisure providers, consisting of five different operators. Whilst this adds complexity, the breadth of expertise, experience and good practice across the county is a real strength. The current leisure service operators across North Yorkshire are already delivering a range of universal and targeted services that are in line with the new delivery model. There is a focus on inclusion and tackling inequality, and this forms a strong foundation upon which we can build on in the coming years.
- There is a varied condition of facilities, but condition surveys have indicated the portfolio overall is not bad, with asset condition and maintenance liabilities lower than in

other similar local authority areas.

- Extensive consultation has been undertaken with elected members, communities and key stakeholders through a range of methods, such as workshops, surveys, focus groups and reviews of previous consultations.
- The consultation feedback has shown strong stakeholder support for a health and wellbeing approach, with the significance of community sports and volunteers also highlighted as important parts of any future approach.
- Accessibility, in terms of transport and travel, is one of the main challenges, with a concern that rural residents will feel forgotten about.
- Leisure facilities were highly valued in the feedback received, as a base for community clubs and for all abilities, but the condition of some was highlighted as requiring improvement. The cost and affordability of facilities were also raised as barriers to using them.
- The new approach aims to move from a traditional leisure service to a sport and active wellbeing one, with a renewed focus on inclusive, wellbeing services that improve physical and mental health and reduce inequalities through a mix of universal and targeted services. There is a strong relationship in the new delivery model between facilities, local place based delivery and sports development. It is felt that this closely aligns with the latest national policy and strategies.
- The aim is to focus on prevention and to take demand out of the health and mental health care system as a whole, improving population health and improving individual outcomes as well as aiming to reduce system costs.
- It is proposed that assets will be turned into Sport and Active Wellbeing hubs, with a universal offer, supported by a network of locally based and digital services collaborating and co-producing activities with other organisations that are tailored to local areas.
- There are challenges around integrating systems and processes as part of the new unitary council, but officers are keen to build on what works already, as well as to test, scale up and try new approaches in different areas where alternative delivery methods are needed.

On the Management Model:

- North Yorkshire isn't typical in its leisure set up, it has a little bit of everything when trying to find the right model. It is not easy to analyse and compare the different management models.
- The size and scale of North Yorkshire is particularly significant, as it gives opportunities that a small district council wouldn't have in terms of building up staff expertise and providing economies of scale.
- A range of financial and non-financial criteria were used to evaluate the different management models. This was supplemented by national assumptions around model behaviour.
- The models considered were: Outsourcing, Local Authority Trading Company (LATC) and In House.
- The preferred management model is a single in-house approach, to provide clarity and consistency for customers, a clear link with democratic decision making and strategic control for the council. It will represent significant management change, but does bring real opportunities because of the size and scale as services are integrated. Contracts would be migrated in a phased way to an in-house model, as current contracts end between 2024 and 2027.
- The Leisure Investment Strategy (phase 2) is needed as it is appreciated that there is a positive correlation between the quality of the facilities and the level of income

generated, with targeted investment in facilities having the ability to drive increased revenue. This next phase will look at options for specific sites, issues around demand, supply, condition, and where potential investment could drive delivery of the new model.

Following the presentation, questions raised by the committee included:

- How will the new model integrate with existing or proposed voluntary and private sector sports and leisure provision? In response, it was noted that community sports provision and a sports development approach has been built into the new model and the resulting staff structures will reflect this. Work is also underway with planning service colleagues to review the overarching strategy documents.
- The community facilities across a large county like North Yorkshire was felt to be patchy at the moment. It was asked what can be done to improve this given the tight financial situation. It was made clear that having a clear strategic framework was essential, with opportunities around S106 and external funding will help to support this critical area.
- The inclusion of culture within the SLR was queried. In response, Councillor Simon Myers, the Executive Member for Culture, Arts and Housing informed the meeting that separate work on developing a culture strategy for North Yorkshire was underway.
- The TUPE arrangements for the current leisure centre staff were asked about and how the process may work.
- The benefits of the council having strategic control as part of an in house model, to be able to influence areas, such as the carbon emissions savings at the various leisure centre sites was seen as a positive move forwards.
- The increased emphasis on health and well being was highlighted as a positive and the greater opportunities to work with health and social care partners. Officers advised that future investment of public health resources for the revamped sport and active wellbeing service are currently under discussion. Meetings are also taking place with a number of parts of the NHS and the public sector about how they can be involved as part of this review process and on an ongoing basis.

Resolved –

- i) That Members support the new delivery model for the sport and active well being service as set out in the committee report.
- ii) That Members support the phased transition over the next 4 years to a single in house management model for the service. As part of this that the Selby services transfer to the in house service from September 2024 when the current contract with IHL ends.
- iii) That Members support the undertaking of a Leisure Investment Strategy as set out.

Note: *Following the meeting, further VAT advice in relation to leisure was received. This updated advice will be reflected in the report that goes to the Executive in January 2024.*

The key differences from the report presented to Members of the LGR Transition O&S Committee are reflected in the paragraphs below. Changes are shown in yellow highlight.

4.25 *The in house model is the most VAT efficient model, following the recent Chelmsford ruling and offers financial benefits over both the LATC and the procured operator model. However, it should be noted that recent VAT advice suggests that the difference in VAT between other models and in house could be alleviated through the use of “agency agreements”. These will need to be explored further,*

however, currently the Council does not have these in place and so currently irrecoverable VAT is higher with both the Trust and the LATC models.

9.2 In addition financial modelling has been undertaken to assess the financial impact on the Council of the preferred option of migrating the existing contracts into a single in house model over the next 4 years. This takes into account key variables relating to NDR costs, VAT treatment, staffing costs and external management fees. The modelling assumes that income and expenditure of sites remains broadly similar, although it would be expected that the service will drive additional efficiencies in the medium to longer term through economies of scale once the service is fully integrated.

	Fully In-house		
	0% Support Cost Absorbed £	50% Support Costs Absorbed £	100% Support Costs Absorbed £
Irrecoverable VAT*	-348,889	-348,889	-348,889
Staffing	504,301	504,301	504,301
NDR	525,682	525,682	525,682
Estimated Cashable Growth / (Efficiency)	681,093	681,093	681,093
External Central Support	0	-230,922	-461,844
Net position taking into account Central Support Costs	681,093	450,172	219,249

* Irrecoverable VAT is shown as a net gain based on the current position, as VAT savings will be achieved once the service comes back in house. However, following recent VAT advice this benefit could potentially be achieved irrespective of the management model (i.e. with the existing Trust/LATC models through the use of an "agency agreement"). It should be noted, therefore, that whilst this is a saving based on the current position potentially this saving is "model neutral" and not linked specifically to the transfer to an in house model.

In terms of the cost impact, the figures presented in the LGR Transition O&S Committee report are correct and remain unchanged. As it stands, the irrecoverable VAT is more advantageous with the in house model and would represent a saving for the Council (as shown in the above table) if all of the service moved in house. The recent advice however suggests we could potentially also make this saving through other management models with the use of an agency agreement. Overall, the analysis and conclusions remain the same as in the existing report and there is no change to the recommendations.

8 Mayoral Combined Authority Governance

Considered – Report of the Assistant Chief Executive – Legal and Democratic Services to update the committee on progress with creating the Combined Authority (CA) for York and North Yorkshire and the associated governance issues.

Some of the key points highlighted in the report and presentation are as summarised below:

- The benefits of the Devolution Deal for York and North Yorkshire were outlined. Creating a Combined Authority provides a platform to bid for additional funding and provide a voice for the region.
- The Order that creates the Combined Authority was laid before Parliament on 7th November 2023, it will be debated in the House of Commons and House of Lords, with the current working assumption that Government will approve the Order in the week commencing 8th January 2024.

- The planned timetable for the Combined Authority is that once the Order has been signed and the Combined Authority created, Mayoral Capacity Funding will then be received, along with half of the money from the Annual Investment Fund, the Brown Field Housing Fund, Net Zero Fund, Housing Capacity Funding and the Transport Capacity Funding. The other half of the funding will be received when the new Mayor is elected.
- The inaugural meeting of the Combined Authority is planned to take place towards the end of January 2024, to approve the Constitution, appoint external auditors, approve the committee structure (including appointments) and agree the budget.
- Mayoral elections will take place on 2nd May 2024, followed on 7th May with the move of the PFCC powers and functions across to the now fully functional Mayoral Combined Authority, along with the rest of the funding entitlements.
- The Mayor will Chair the Combined Authority, along with two members from each of the constituent councils involved (City of York Council and North Yorkshire Council) as voting members, of which one will act as the Lead Member for their authority. A non-voting representative, the Chair of the LEP/Business Committee, will also sit on the Combined Authority.
- A proposed committee structure was included in the Scheme that was consulted upon, although the final decision will sit with the Combined Authority. This includes an Overview and Scrutiny Committee (6 members from each constituent council), Audit and Governance Committee (4 members from each constituent Council and 1 independent person), a Business Committee (consultative body set to be integrated from the LEP) and potentially a separate Transport Committee (TBC).
- The proposed structure includes a Deputy Mayor for Policing and Crime, but the decision on whether to proceed with this set up will be for the Mayor once elected. Currently a Joint Independent Audit Committee/Panel for Policing and for Fire and Rescue will sit underneath this to provide checks and balance.
- The Devolution Deal devolves functions to the Combined Authority into two strands: those exercisable solely by the Mayor (e.g. Housing, Planning, Finance, Transport and PFCC functions) and those exercised by the Combined Authority (e.g. Economic Development, Adult Education, Skills, Transport – Key Route Network, Housing functions (related to CPO) and the power to borrow (up to an agreed cap).
- On the decision making of the Combined Authority, each decision will be by a simple majority of those present and voting, but the majority must include the vote of the Mayor.

Following this, questions and comments raised by the committee included:

- The checks and balances put in place as part of the draft Combined Authority Constitution to operate efficiently and transparently were widely welcomed.
- The role of the proposed Business Committee and whether it would have the required ability to encourage public involvement in it was discussed. As an advisory, non-decision making body, there will be checks and balances put in place, along with the Overview and Scrutiny Committee providing challenge. The current proposal for the Business Committee membership is to have four private sector members and four public sector members, but this is subject to change.
- Whether a Housing or a Climate Change Committee has also been considered? The model across other Combined Authorities around the country is for a number of other thematic boards to be set up as required.
- There are two types of deputies: 1. the Mayor could appoint a deputy from the Combined Authority councillor members to act as a deputy in their absence. 2. Separate option to appoint a Deputy Mayor for Policing and Crime, but the selection pool is wider, also including council members from the constituent authorities or a member of

the public.

- Clarification was sought on the rule that the chair and vice-chair of the Combined Authority Overview and Scrutiny Committee cannot be a member of the same political party as the Mayor.
- Mechanisms for removing Mayors displaying inappropriate behaviour was discussed, such as through the role of the proposed Audit and Governance Committee and by applying the new Combined Authority Code of Conduct.
- It was noted that North Yorkshire Council will continue to retain its highways functions under the Mayoral Combined Authority, with the main addition being the power to allocate routes as 'Key Route Networks'.

Resolved – To note the proposals on the governance of the Combined Authority.

9 Delivering Restructures

Considered – Presentation from the Assistant Chief Executive – HR and Business Support on the progress of the service restructures so far.

Some of the key points highlighted in the report are as summarised below:

- The approach to the restructures so far has been starting from the top and then moving down through the organisation.
- The Heads of Service recruitment is almost complete. The next stage will see more service areas move into consultation phase in the new year.
- Work is continuing at pace, with feedback from staff that they want certainty over jobs and structures. The process for a restructure is a long one, from developing a business case, writing job descriptions and carrying out job evaluations all taking place before going out to consultation. However, it is key to give staff the opportunity to contribute and shape the proposals put forward and to get the new structures right.
- An excellent relationship exists with the trade unions and they're involved at all stages of the restructures and form part of the consultation process.
- There is continuous engagement and support for staff to help manage change.
- Where staff are at risk of redundancy, then redeployment support measures are well established.

Following this, questions and comments raised by the committee included:

- There was a query about whether the large number (121) of Heads of Service posts would be revised in the future. It was noted in response that this was a rationalisation from the number of posts as part of the predecessor councils. Following service transformation and system changes this may be looked at again, but it is uncertain at this early stage.
- How many 'Risk of Redundancy' notifications have been issued so far?
- It was asked how corporate buy-in to the new authority is being achieved to create a new 'Team North Yorkshire'? In response, it was felt by bringing teams together as part of a new structure and getting to know new colleagues will help in this regard, with a lot of organisational development and staff values work also going on to change the culture.
- The pace of the service restructures was felt to be faster than other new unitary authorities have carried them out, in order to give clarity as soon as possible, with May 2024 an initial target date.

- Information on the financial savings generated from staff restructures would form part of the quarterly HR performance reports during the next financial year.
- The importance of keeping valued and experienced staff within the organisation was highlighted and the retention of them was important for the future of the new authority moving forwards.

The Chair summed up by reiterating that staff are the most important asset for North Yorkshire Council and the progress made to date with the service restructures is encouraging. Alongside this, the huge amount of work undertaken by HR colleagues to support the service restructure process and the challenges that change management will bring in the months ahead was acknowledged. The Committee were keen to be updated on this subject at regular intervals.

Resolved – That the report be noted.

10 Discussion on committee name change

This item was deferred.

11 Standing items update

The updates received on the standing items (Customer Services and the Finance system) were noted.

12 Work Programme

Resolved –

That the Work Programme be noted.

13 Any other items

There were no further items.

The meeting concluded at 4.10 pm.

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North Yorkshire Council

Transition (LGR) Overview and Scrutiny Committee

11 March 2024

Combined Authority Governance

Report of the Assistant Chief Executive Legal & Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To provide the Transition (LGR) Overview and Scrutiny Committee with an update on the progress of creating a Mayoral Combined Authority and governance issues.

2.0 BACKGROUND

- 2.1 At the meeting of the Transition (LGR) Overview and Scrutiny Committee, an update on the creation of the Mayoral Combined Authority was given. On 19 December 2023, the Secretary of State made the York and North Yorkshire Combined Authority Order 2023, which took effect from 20 December 2023. Consequently, on 20 December 2023 the York and North Yorkshire Combined Authority came into being.
- 2.2 The Combined Authority held its first meeting on 22 January 2024. At this inaugural meeting, the Combined Authority approved the constitution, with further amendments to be made throughout the year, including when the Office of the Police, Fire and Crime Commissioner and North Yorkshire Fire and Rescue Authority transition into the Combined Authority on 7 May 2024.
- 2.3 The intention of the Combined Authority has been to share the Constitution with Members of both constituent Councils (North Yorkshire Council and City of York Council) in order to provide an opportunity for further consideration.
- 2.4 City of York Council's Corporate Services, Climate Change and Scrutiny Management Committee and Audit and Governance Committee convened in January 2024 in order to review the contents of the Constitution, which at that time was in draft form. They have had a final review of the document in February 2024 and have provided feedback which the Combined Authority are in the process of considering.
- 2.5 North Yorkshire Council are also being given the opportunity to review the Constitution and provide any feedback they may have. A copy of the latest version of the Constitution can be accessed from the following link: [YNCAConstitutionJanuary2024.pdf.pdf \(yorknorthyorks-ca.gov.uk\)](https://www.yorknorthyorks-ca.gov.uk/yncaconstitutionjanuary2024.pdf). The feedback from the City of York Council meetings will be provided as soon as it is available.
- 2.6 It is important for both North Yorkshire Council and City of York Council's Scrutiny Committees to consider the proposed governance arrangements of how the new Combined Authority will operate and for its views to be taken into account in any future iterations of the Constitution and governance arrangements. The Order makes the following governance arrangements for the Combined Authority, which has been included within the Constitution:

Constitution

2.7 The constitution comprises of the following Parts:

- Part 1 – Introduction and Articles
- Part 2 – Functions of the Combined Authority
- Part 3 – Responsibility for Functions
- Part 4 – Committees of the Combined Authority
- Part 5 – Rules of Procedure
- Part 6 – Financial Procedures
- Part 7 – Codes and Guidance
- Part 8 – Members Allowances
- Part 9 – Police and Crime Commissioner Functions – Governance Documents

Membership

2.8 The York and North Yorkshire Combined Authority Order 2023 provides that the Membership of the Combined Authority will be:

- a). The Mayor (who will Chair the Authority) (voting Member).
- b). Two Members from each of the Constituent Authorities (voting Members).
- c). The Constituent Authorities will nominate one of these Members as a “Lead Member” who gets special voting rights in certain circumstances.
- d). Each Authority will nominate four substitute Members.
- e). The Secretary of State provided that one Member would be appointed by the York and North Yorkshire LEP which would be non-voting, unless the Combined Authority resolved to give them a vote on any issues. As the LEP functions transitioned into the Combined Authority on 1 February 2024, the LEP Board no longer exists and has become the Business Committee of the Combined Authority.

Voting

2.9 The Mayor and Combined Authority are the primary decision makers. The Order creating the Combined Authority specifies that certain decisions must be taken by the Elected Mayor and that some decisions rest with the Combined Authority. The Constitution will reflect these legal requirements. In addition, Schedule 1 of the Order sets out specific voting and consent requirements which must also be reflected in the Constitution.

2.10 The Mayor will provide overall leadership and chair Combined Authority meetings. The Combined Authority’s remit is the strategic economic development, housing, carbon reduction, skills, transport infrastructure and strategic and operational transport functions. The Mayor can choose to delegate certain functions to Members of the Combined Authority. The Combined authority can therefore appoint portfolio leads from its membership.

2.11 The Mayor can exercise some of their functions autonomously as these have been devolved directly from Central Government to that post, namely:

- Functional power of competence.
- Housing and planning:
 - Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation;

- Housing and land acquisition powers to support housing, regeneration, infrastructure and community development and wellbeing.
- Finance:
 - Power for the Mayor to set a precept on Council Tax to fund mayoral functions (resulting from the setting of the Mayoral budget subject to the potential veto provisions);
 - Power to charge business rate supplement (subject to ballot).
- Transport:
 - Power to draw up a local transport plan and strategies (the Combined Authority will be able to amend the Mayor's transport strategy if 3 out of 4 constituent Council Members agree to do so);
 - Bus franchising powers;
 - The Mayor will be responsible for a devolved and consolidated integrated local transport budget, consisting initially of the local highways maintenance funding and integrated transport block.
- Police, Fire and Crime Commissioner functions.

2.12 Subject to the above, the Combined Authority will be responsible for any functions of the Combined Authority which is not the responsibility of the Mayor. Proposed decisions can be put forward by the Mayor or any Combined Authority Member. Generally the Mayor will have one vote as will other voting Members. Examples of Combined Authority functions (which are non-Mayoral functions) are:

- Local Transport Authority functions;
- Transport-related powers to set up and co-ordinate a Key Route Network on behalf of the Mayor (operational responsibility for Key Route Network roads will remain with the Constituent Councils subject to local agreement or national legislation);
- To operate a permit scheme on the Key Route Network;
- Housing and land functions;
- Economic development – duty to prepare assessment of economic conditions etc.

2.13 Any matters that are to be determined by the Combined Authority are to be determined by a simple majority and that majority must include the vote of the Mayor, except as identified within the Order. When approving the Combined Authority's budget (but not the Mayor's budget) and setting a levy, the lead Member from each constituent Council must be in the majority vote.

2.14 The Mayor will be required to consult the Combined Authority on their strategies and the Combined Authority will be able to amend the Mayor's budget and the Mayor's transport strategy if three out of the four Members agree to do so.

Overview and Scrutiny Committee

2.15 The Mayor and the Combined Authority will be scrutinised and held to account by the Combined Authority's Overview and Scrutiny Committee. The Membership of each such Committee will be:

- a). Six Members nominated from each constituent Council for each Committee, reflecting the political balance of the Constituent Authorities (therefore 12 Members in total).

- b. The Chair and Vice-Chair will be appointed by the Combined Authority.
 - c). The Chair and Vice-Chair shall not be a Member of a registered political party of which the Mayor is also a Member.
- 2.16 Government have recently issued non-statutory guidance on a Scrutiny Protocol for Combined Authorities. This recognises that “Effective scrutiny is critical for ensuring that there is appropriate accountability for the decisions made by local decision makers. When done well, local scrutiny should drive understanding, enhance the performance of services and improve the outcomes for those people affected by those decisions”.
- 2.17 Scrutiny for a Combined Authority can be through a single Overview and Scrutiny Committee or through multiple Committees. The guidance recommends that “a single Committee model” for Scrutiny should be considered for Combined Authorities so that Scrutiny Committee Members can develop a strategic overview across all portfolio areas and an understanding of the interconnection of key policies to effectively scrutinise cross cutting issues. In addition the guidance provides that Authorities with devolution deals should look to incorporate the scrutiny of any activity arising from the devolution deal into their existing scrutiny arrangements. The guidance sets out 18 Key Principles for Good Scrutiny within a Combined Authority:
1. Pool of Members – all Members and substitutes should have access to the same resources.
 2. Politically balance Membership.
 3. Geographically balanced Membership.
 4. Chair to be seen as an independent voice.
 5. Sustained appointments made on interest and skills.
 6. Well-resourced training.
 7. Inviting technical expertise where appropriate.
 8. Remuneration and Status – through the use of an Independent Remuneration Panel.
 9. Holding the Mayor and the Combined Authority to account.
 10. Participation in pre-policy and pre-decision scrutiny – with a forward plan of key decisions.
 11. Provision to “call in” decisions.
 12. Regular performance monitoring.
 13. Robust work planning.
 14. Focussed Task and Finish exercises.
 15. Strong relationships with stakeholders.
 16. Regular self-evaluation and reflection.
 17. Access to data, research and analysis for Committees to improve their knowledge.
 18. Strong relationship with Audit Committees.
- 2.18 The non-statutory guidance also recommends having additional scrutiny through the implementation of a question time process where the Mayor takes questions from the public and for it to be chaired by an Independent Person.
- 2.19 The Combined Authority have agreed to create a single Overview and Scrutiny Committee, in line with the above guidance. The scrutiny of the Mayoral budget (and any Mayoral precept) will fall within the remit of the Overview and Scrutiny Committee. The first Meeting of the Overview and Scrutiny Committee will take place in March 2024.

Audit and Governance Committee

- 2.20 The Constitution includes the creation of an Audit and Governance Committee, which will have responsibility for the Standards function. The Audit and Governance Committee will focus on the audit, assurance and reporting framework underpinning the financial management and the governance arrangements and it will also undertake the functions of

the Standards Committee dealing with Member conduct and ethical standards. The Audit and Governance Committee shall be appointed by the Combined Authority and the Membership will be 8 Members. There will be 4 Members from each Constituent Council and at least one Independent Person appointed by the Combined Authority. The role of this Committee will be:

- Reviewing and scrutinising the Combined Authority's financial affairs;
- Reviewing and assessing the Combined Authority's risk management, internal control and corporate governance arrangements;
- Reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions; and
- Making reports and recommendations to the Combined Authority in relation to reviews the Committee has conducted.

2.21 The Audit and Governance Committee can include co-opted Members but they would be non-voting Members of the Audit and Governance Committee.

2.22 The governance arrangements for Policing, Fire and Rescue will need to be in place by May 2024 when those functions will be transferred upon the election of the Mayor and therefore there is potentially more time to resolve the governance structures for that part of the Combined Authority functions. The Scheme proposed that there would initially be a separate Joint Independent Audit Committee for Policing and a separate Independent Audit Committee for Fire and Rescue.

2.23 It is proposed that the Committees referred to above shall in practice be the Committees already established by the PFCC and the Chief Constable of North Yorkshire Police (in respect of the Joint Independent Audit Committee for Policing) and the PFCCFRA (in respect of the Independent Audit Committee for Fire and Rescue) and that those Committees in place for the time being shall be adopted by the Combined Authority and that the terms of reference of those Committees shall be amended so as to provide for their remit to extend to PCC Functions and FRA Functions, respectively, exercisable by the mayor. It is then proposed that these arrangements can be reviewed during the initial term of the Mayor by the Combined Authority.

Business Committee

2.24 The Scheme provided that the York and North Yorkshire Local Enterprise Partnership Board would transition into the Business Committee of the Combined Authority which will be an advisory committee of the Combined Authority for the purposes of relevant economic decisions. A considerable amount of work has been undertaken to aid the integration of the LEP into the Combined Authority.

Remuneration

2.25 The Combined Authority has established an Independent Remuneration Panel to recommend allowances payable to the Mayor and others as appropriate. Following a recommendation by the Panel, an allowance may be paid to:

- a. The Mayor;
- b. The Deputy Mayor (provided that they are not a Leader of a Constituent Council);
- c. The Deputy Mayor for Policing and Crime (provided that they are not a Leader of a Constituent Council);
- d. Independent Persons.

- 2.26 The Panel has been established, appointing 2 Panel Members from each of the Constituent Council's Panel with a view to making a recommendation in relation to the Mayor in March 2024, with consideration of remuneration for the remaining roles above at a later date.

PFCC Functions

- 2.27 The Mayor will exercise the PFCC functions for York and North Yorkshire once elected. Any PFCC function is to be taken to be a function of the Combined Authority exercisable by the Mayor acting individually, or as delegated in accordance with the Scheme. The Office of the Police, Fire and Crime Commissioner is currently working diligently to ensure these functions are transferred to the Combined Authority in an appropriate manner.
- 2.28 The Mayor may appoint a Deputy Mayor for Policing and Crime and could have some Fire and Rescue Authority functions delegated to them.
- 2.29 The scrutiny of discharge of the PFCC functions will continue to be performed by the Police, Fire and Crime Panel. The Panel will scrutinise the actions and decisions of the Mayor and the Deputy Mayor for Policing and Crime and assist in supporting them in the effective exercise of PFCC functions and to enable them to be scrutinised in public. There will be some consequential changes in the operation of the Panel to reflect their role in scrutinising the Mayor and Deputy Mayor for Policing and Crime and opposed to the Police, Fire and Crime Commissioner.

Statutory Officers

- 2.30 The Mayor and the Combined Authority has appointed four Statutory officers to discharge duties and obligations on behalf of the Combined authority. The Statutory Officers ensure that the Combined Authority is acting in accordance with its legal duties and responsibilities, operating with the financial regulations and receiving appropriate advice on the policy and governance. Until the Mayor is elected in May 2024 these roles may be undertaken on an interim basis by Officers appointed by the Constituent Councils or the Combined Authority and will be kept under review as it may be necessary to permanently appoint certain roles earlier. The four statutory roles are:
- 2.31 Head of Paid Service – it is proposed that the Chief Executive fulfils the role of Head of Paid Service who discharges the functions in relation to the Combined Authority as set out in section 4 of the Local Government and Housing Act 1989.
- 2.32 Section 73 Officer – it is proposed that the Director of Resources fulfils the role of Section 73 Officer in accordance with the Local Government Act 1985. The Section 73 Officer administers the financial affairs of the Combined Authority. The Section 73 Officer is equivalent to a Section 151 Officer.
- 2.33 Monitoring Officer – the Monitoring Officer discharges the functions in relation to the Combined Authority as set out in section 5 of the Local Government and housing Act 1989.
- 2.34 Scrutiny Officer – the Scrutiny Officer provides independent and impartial advice to scrutiny Members in relation to their role, constitutional and governance issues.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The financial implications of creating the Combined Authority has been considered in previous reports to North Yorkshire Council, including Executive and Full Council. This report looks at the governance structure for the Combined authority, including allowances that can be paid to Members, following a report from the Independent Remuneration Panel, which is currently underway.

4.0 LEGAL IMPLICATIONS

4.1 The legal implications of the proposed Constitution are contained in the body of this report.

5.0 EQUALITIES IMPLICATIONS

5.1 There are no equalities implications arising from the recommendations within this report.

6.0 CLIMATE CHANGE IMPLICATIONS

6.1 The climate change implication of the Combined Authority and obtaining additional funding and powers have been considered in previous reports to the Executive and Full Council, articulated in the “asks” under the Devolution Deal which led to the Net Zero Fund. This report looks purely at the governance arrangements of the Combined Authority.

7.0 REASONS FOR RECOMMENDATIONS

7.1 To ensure there is appropriate Member oversight with regard to the governance issues in the creation of the Combined Authority.

8.0 RECOMMENDATION(S)

i) That the Transition (LGR) Overview and Scrutiny Committee considers the contents of the report, notes the proposals in relation to the proposed governance of the Combined Authority and makes recommendations on any comments they have on the proposals.

APPENDICES: NONE

BACKGROUND DOCUMENTS:

The York and North Yorkshire Combined Authority Order 2023 - [The York and North Yorkshire Combined Authority Order 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Barry Khan
Assistant Chief Executive Legal & Democratic Services
County Hall
Northallerton
29 February 2024

Report Author: Rachel Antonelli, Interim Deputy Monitoring Officer, York and North Yorkshire Combined Authority

Presenter of Report: Rachel Antonelli, Interim Deputy Monitoring Officer, York and North Yorkshire Combined Authority

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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North Yorkshire Council

Local Government Reorganisation Transition Overview & Scrutiny Committee

11 March 2024

Harbour Services

Report of the Assistant Director - Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours

1.0 PURPOSE OF REPORT

1.1 To provide an overview of Harbour Services as requested by the committee.

2.0 SUMMARY

2.1 This report provides an overview of the Council's Harbour Services for information as requested by the committee. The report sets out some background relating to the three harbours at Whitby, Scarborough and Filey as well as describing the governance arrangements for the harbour. The report also covers some of the operational considerations, risks and challenges associated with the Harbours together with a high-level overview of future opportunities and developments.

3.0 BACKGROUND

3.1 Scarborough Harbour is situated at the foot of Scarborough Castle and in the lee of the Castle Headland, and with a southerly facing entrance Scarborough Harbour offers direct access to the North Sea. The Harbour has been in existence in one form or another since the 13th century. In the 19th century the Harbour served as one of the one of the east coast's principal ship building centres. Since that time, it has served a wide range of roles including a major harbour for the herring fishery, a cargo harbour for timber and foodstuffs; and between the 1970-1990s a major regional harbour for the commercial North Sea fishing fleet.

3.2 Cargo trade has now ceased entirely within the harbour and the commercial fishing industry has reduced and rationalised. Scarborough is now host to 38 commercial fishing vessels. The majority of fishing boats are smaller vessels, under 10m, predominantly serving the shellfish industry. However, in recent years the Harbour has been a popular destination with visiting prawn trawlers and scallop vessels. The number of leisure craft in Scarborough has increased in recent years with over 205 leisure vessels in the Harbour and a healthy waiting list for future users.

3.3 The wharves and piers of the Harbour are open to the public and are considered to be part of the attraction of the town and are public promenades and visitor attractions in their own right. The Harbour therefore has a very mixed role within the local economy and to the community in which it is located.

3.4 Moving forward the Harbour is also ideally located to capitalise on the development of the North Sea offshore renewables sector by acting as an operations and maintenance base for offshore wind support vessels.

- 3.5 Whitby Harbour is situated at the mouth of the River Esk with a northerly facing entrance, protected by two substantial piers. The bottle-shaped estuary of the River Esk was the only natural harbour along the 100 miles of coastline between the rivers Tees and Humber. By the early 1300s merchants from Lombardy and across Northern Europe were sailing to Whitby, to trade with the wealthy Abbey. The natural harbour was improved with quays, a bridge and piers. The harbour effectively splits Whitby in two and access across the river is provided by the historic swing bridge.
- 3.6 Today, the harbour is integral to the heart of Whitby and continues to be a working harbour together with a tourist attraction in its own right. There are 44 commercial fishing vessels operating from the harbour together with 226 leisure vessels and a number of operators offering pleasure boat and fishing trips. In addition, the harbour supports a major boat builder at Parkol Engineering and marine engineering services at Coates Marine together with JCF Marine Engineering. Alongside Scarborough Harbour, the harbour at Whitby is well placed to serve the significant offshore wind developments taking place in the North Sea.
- 3.7 Filey Coble Landing is a cobbled slipway at the northern end of Filey Bay. It is sheltered from northerly storms by Filey Brigg and has been the centre of the town's fishing industry for generations. In the 1880s, the landing was home to an incredible 190 boats, and it was from here that the cobbles were launched from the open beach onto the North Sea where they would fish for cod, haddock, herring and salmon, as well as lay pots to catch lobsters and crabs.
- 3.8 Today, the Landing is home to a much smaller number of working boats, together with a handful of leisure vessels, tourism related stalls, cafes and the Filey Lifeboat Station.

4.0 Governance

- 4.1 North Yorkshire Council is the statutory harbour authority for Scarborough and Whitby Harbour. The council accommodates underlying statutory requirements (both in local government legislation and in any specific local harbours legislation) in its approach to management of its harbours. Statutory harbour authorities are under a common law duty to conserve and facilitate the safe use of the harbour. This includes a duty to ensure that those who may choose to navigate the harbour, may do so, without danger to their lives or property. In addition to any provisions in local legislation, the common law duty to conserve and facilitate safe use of the harbour extends to maintenance of the harbour, including dredging, and a discretion to repair, improve and maintain harbour infrastructure. Scarborough and Whitby are subject to the 'Open Port Duty' to keep the harbour open, upon payment of rates, for the shipping and unshipping of goods and the embarking and landing of passengers.
- 4.2 The Port Marine Safety Code is a nationally agreed standard designed to implement safety standards for marine operations, throughout the United Kingdom. The Code establishes the principle of a national standard for every aspect of port marine safety for those who use or work in ports. The Code is based on maritime and general legislation which includes, amongst others: the Harbours, Docks and Piers Act 1847; the Harbours Act 1964; the Pilotage Act 1987; the Merchant Shipping Act 1995; International Regulations for Preventing Collisions at Sea (COLREGS); the Health and Safety at Work Act; the Dock Regulations. As Harbour Authority for the ports of Whitby and Scarborough the council implements and audits a Safety Management System (SMS) to comply, so far as is practicable, with the recommendations of the code and its legal duties and powers. The Code will co-exist and compliment the Authority's extant Health and Safety Policy.
- 4.3 Local Authority owned harbours are part of the council so ultimately accountable to elected Council members and the local electorate. They also operate within the council's

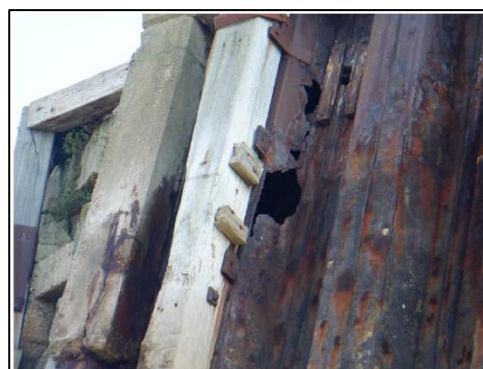
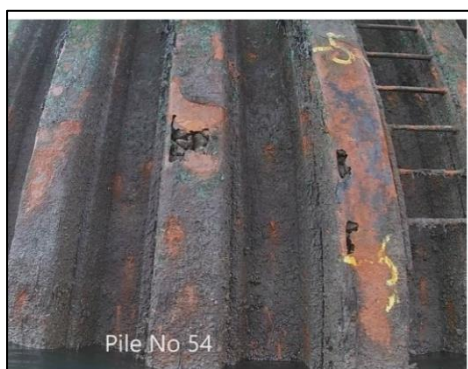
governance and decision-making structure. Relevant delegations to the Corporate Director, Executive, Executive Member and Harbour Master are therefore set out in the Council's Constitution and local legislative harbour functions are reserved to the Council's Executive. An established Harbour Executive, which is an advisory group of the council, currently oversees the operational management of the harbours with the decisions being made in line with the arrangements contained in the Council's Constitution.

5.0 Challenges

5.1 The infrastructure at Scarborough and Whitby harbours is designed to protect the harbours against tidal, wave and fluvial impacts together with other environmental factors. The infrastructure largely consists of stone harbour walls, rock armour and sheet piling. Whilst extensive works have been undertaken to some of these structures over recent years, most notably the Whitby piers, the structures are historic in nature and a number are in poor condition. In order to address the condition of these structures a proactive approach to maintenance and management together with significant investments in repair and replacement will be required to maintain the structures to a satisfactory operational standard.

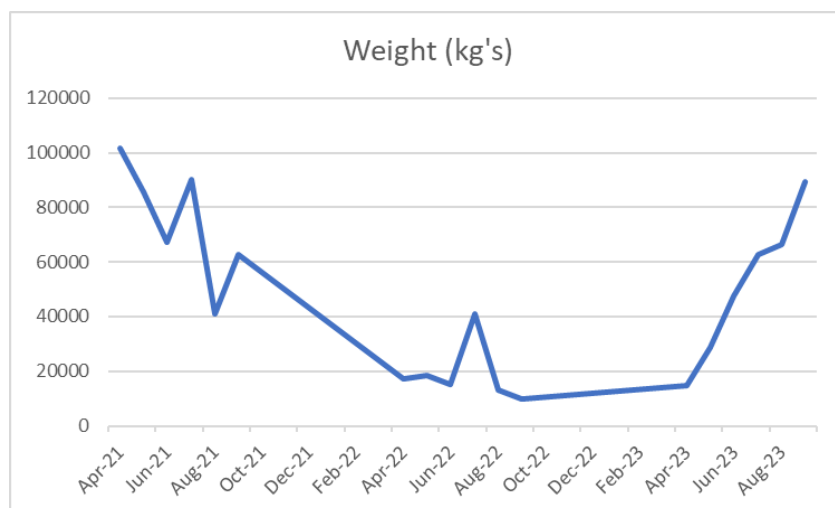
Common problems associated with the harbour infrastructure include:

- Accelerated low water corrosion
- Thinning of sheet pile thickness
- Holes in sheet steel piles
- Loss of fill materials
- Areas fenced off or load restrictions in place
- Risk of collapse
- Negative public image and perception.



5.2 Across the harbours there are a number of areas of sheet piling and other structures that are in very poor condition and at risk of failure. A comprehensive infrastructure investment programme has been developed which has taken a risk-based approach to identify and prioritise the works required. Extensive project programmes and costings have been developed for each area in turn and an investment of £27m is required to resolve all of the issues. Funding is in place to repair the sheet piling on the inner West Pier harbour wall at Scarborough Harbour and the Executive agreed on 20 February 2024 to approve the commitment of a further £795k of funding to undertake the detailed design work and obtain the necessary consents for the Scarborough Lighthouse and Roundhead Piers as well as the Whitby Lighthouse renovation. Upon completion of the design work, the Council will have fully costed, shovel-ready schemes in place and further funding will be sought for delivery. The Whitby Eskside Wharf project is currently progressing through the design phase and ongoing commercially confidential discussions are taking place with the current occupier of the land.

- 5.3 Scarborough and Whitby harbours both experience regular silting and require annual dredging to ensure sufficient water depth is maintained to allow navigation and enable access to piers, wharfs and pontoons. Disposal of dredged material at sea is licenced through the Marine Management Organisation (MMO); this takes place at a designated spoil ground owed by the Crown Estates. The Council has recently re-submitted an application to renew the disposal licence for dredged arisings from Scarborough Harbour mouth and this is being processed by the MMO. It is hoped that this licence will be granted in the near future and that dredging operations can re-commence in this location.
- 5.4 The Council currently owns a dredger (MV Sandsend) and undertakes its own dredging operations. Extensive repairs have been undertaken to the dredger this year which has seen a delay in winter dredging operations in Whitby Harbour. The dredger is now fully operational and is working longer shift patterns to recover the lost time. In recent years, the dredger has been operated in partnership with a private sector operator, to allow the dredger to undertake external dredging contracts at other harbours during periods when it is not required to undertake works to Scarborough or Whitby harbours. This arrangement has helped to offset the high cost of ownership and maintenance of a specific dredger; however, consideration should be given as to whether this is the appropriate model moving forwards.
- 5.5 The North Sea has experienced significant shellfish mortality over recent years which has had an extensive impact upon the fisheries sector. The impact upon fishermen and the investigation into the causes of the mortality event are well documented publicly and should not be underestimated, however this report will focus on the impact on the harbour authority. The harbour levies landing dues on shellfish landings, which is calculated as a percentage of the gross sales from the landings. A reduction in the quantity, and therefore value (£), of the shellfish landings as a direct result of the mortality event has significantly impacted upon the harbours budget. It is important to note that, whilst the graph below shows some signs of recovery, this is largely due to visiting scallop vessels that chose to land their catch at Scarborough harbour during 2023.



Shellfish Landings Scarborough & Whitby Harbours

- 5.6 The transition to the new authority has been challenging for the Harbours Service with a multitude of new processes and procedures being adopted during the busiest time of year. This has led to some significant pressure across the service and a number of key members of staff have left the Council. Work continues to recruit into the vacant posts and align the service with the Council's target operating model, streamlining processes as the service moves forwards.

6.0 Opportunities & future strategy

- 6.1 There are a number of opportunities for the Council's harbours in the future and an extensive consultation took place with harbour users during 2023 to help define a future vision and strategy for the service. It is recognised that a mixed economy of commercial vessels, industry, leisure vessels and tourism would provide a resilient future for the harbours, however, significant investment is required to maximise the opportunities available. The rapid expansion of the offshore wind industry provides a clear commercial opportunity for the harbours as Whitby is the closest accessible harbour to the Dogger Bank windfarm site and Scarborough is well placed to service both the Dogger Bank and Hornsea development areas. Officers are actively engaging with the offshore wind industry to set out the opportunities provided by both harbours for wind farm service and guard vessels. Part of this expansion into this commercial sector may include the provision of a large boat lift and associated storage at Scarborough harbour (subject to business case and funding) to provide "out of the water" servicing, maintenance and inspection facilities to commercial vessels.
- 6.2 Alongside the exploration of new commercial opportunities, there are also two significant regeneration schemes planned for West Pier, Scarborough and Endeavour Wharf, Whitby. The West Pier scheme will see the extensive refurbishment and replacement of the onshore fishing facilities including new net lofts, refrigeration space, storage and wet fish sales opportunities for the fishing industry. The scheme also includes an enhanced public realm, new public toilets, re-aligned and brand new 'crab stalls' and a high-quality fish restaurant, recognising the importance of the tourism industry as part of the mixed economy required to ensure a thriving harbour. The Maritime Training Hub at Endeavour Wharf will see a state-of-the-art training facility for maritime skills to develop a new career path for the local community to exploit the opportunities offered by the expansion of offshore renewables and other emerging maritime industries.
- 6.3 It must also be recognised that the Council's Harbours could not succeed without the dedication and commitment of the Harbours Team who work in all weathers, 24 hours a day, 7 days a week, 365 days per year to ensure the smooth and safe operation of the Council's harbours and this team will be instrumental in taking the harbours forwards into the future.

7.0 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 Not applicable, this report is for information.

8.0 FINANCIAL IMPLICATIONS

- 8.1 Not applicable, this report is for information.

9.0 LEGAL IMPLICATIONS

- 9.1 Not applicable, this report is for information.

10.0 EQUALITIES IMPLICATIONS

- 10.1 Not applicable, this report is for information.

11.0 CLIMATE CHANGE IMPLICATIONS

- 11.1 Not applicable, this report is for information.

12.0 REASONS FOR RECOMMENDATIONS

12.1 This report is for information.

13.0 RECOMMENDATION

13.1 The Committee is asked to note the information in this report.

Paul Thompson
Assistant Director - Integrated Passenger Transport, Licensing, Public Rights of Way
and Harbours
County Hall
Northallerton
11 March 2024

Report Author – Gary Pearson, Acting Harbour Master
Presenter of Report – Paul Thompson, Assistant Director – Integrated Passenger Transport,
Licensing, Public Rights of Way and Harbours

North Yorkshire Council

Transition (LGR) Overview and Scrutiny Committee

11 March 2024

Bereavement Service

Report of the Assistant Director – Regulatory Services

1.0 PURPOSE OF REPORT

- 1.1 To provide the committee with an overview of the Bereavement Service, operating model and proposed future development.

2.0 SUMMARY

- 2.1 This report provides an overview of the Bereavement Service, its current operating parameters and responsibilities. It explains the capital programme over the next five years including a chapel extension at Skipton and cemetery expansion in Filey, Harrogate, Knaresborough, Pateley Bridge, Scarborough and Whitby. Finally, it details the capital plan for cremator replacement and an overview of plans to contribute to the Council's climate change programme.

3.0 BACKGROUND

- 3.1 The Bereavement Service operates across the whole Council geography, with c.25 staff based at four locality crematoria
- Skipton Crematorium – opened 1952
 - Stonefall Crematorium (Harrogate) – opened 1936
 - Maple Park Crematorium (Thirsk) – opened 2022
 - Woodlands Crematorium (Scarborough) – opened 1961

In addition, there are over 100 cemeteries and closed churchyards across the whole of North Yorkshire which are operated by or are the responsibility of the Council.

- 3.2 The Service is a frontline customer facing one, with daily liaison with bereaved families and mourners as well as professional services including funeral directors, medical professionals, ministers, celebrants, memorial masons, and diocesan officers. The service has regular operational links with the Coroner and Registrars in North Yorkshire and with neighbouring local authority registrars.
- 3.3 The primary purpose of the service is to provide dignified funerals and cremation or burial of the deceased for the people of North Yorkshire. The current level of demand is approximately 75% of all deaths within the unitary authority. Further services are provided through opportunities for memorialisation of the deceased at both open and closed cemeteries, purchasing of burial plots and genealogical searches.
- 3.4 Staff based at crematoria all have multi-faceted roles encompassing the full range of duties involved in funeral services, burials, cremation, and memorialisation. An appropriate level of working knowledge of key legislation is required to ensure that the management of the deceased is in line with statutory legislation and great care is needed in ensuring that burials in

graves and of cremated remains are carried out accurately. Staff operate at satellite cemeteries and churchyards throughout the unitary authority to carry out burials and memorialisation checks. Stonefall also operates a pet crematorium facility. The service operates year-round, with pressure points when the death rate increases, often in the winter months.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

4.1. Crematoria – an overview

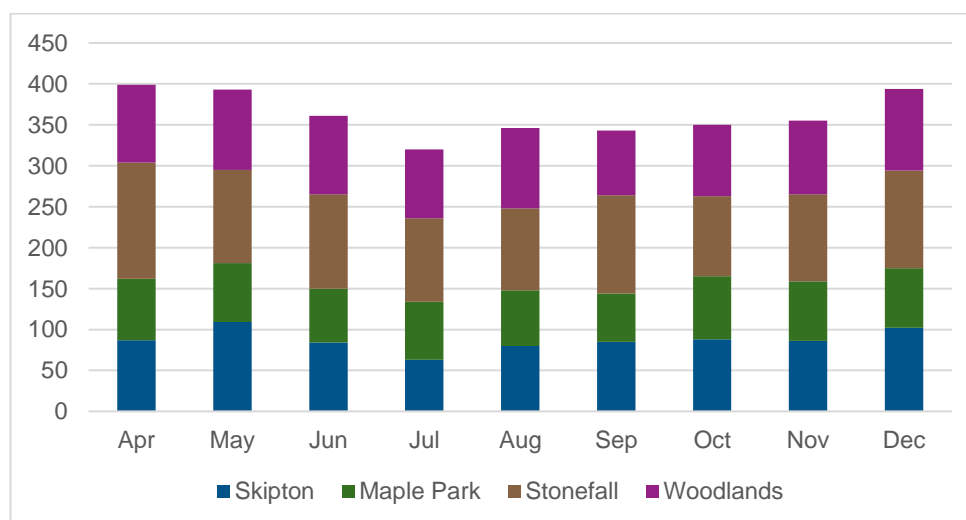
4.1.1. Skipton, Stonefall and Woodlands crematoria each operate two gas-fired cremators. Maple Park operates a single electric cremator. Second cremators are only used when required and careful planning of cremations is designed to minimise energy consumption.

4.1.2. Table 1 shows the number of cremations carried out since 1 April 2023. Table 2 (Section 4.2.3) shows the number of full burials or burial of cremated remains. The service has overseen the cremation or burial of 75% of all deaths registered in North Yorkshire between April and December 2023.

4.1.3. Table 1. Number of cremations 2023-2024

	Skipton	Maple Park	Stonefall	Woodlands
Apr	87	75	142	95
May	109	72	114	98
Jun	84	66	115	96
Jul	63	71	102	84
Aug	80	68	100	98
Sep	85	59	120	79
Oct	88	77	98	87
Nov	86	73	106	90
Dec	102	73	119	100
TOTAL	784	634	1016	827
	3261			

4.1.4. Overall cremations per month



- 4.1.5. Abatement plant is fitted to all cremators in line with Defra statutory guidance on reducing emissions, which includes CO₂ and mercury. There will be a requirement to upgrade aspects of this equipment within this administration once proposed amendments to emission limits are reduced.
- 4.1.6. Metals are recovered from the cremation process and are recycled with consent of bereaved families. Monies generated are distributed to locally operating bereavement charities. During 2022-2023 c£50k was distributed to charities. The recycling company will be changed from April 2024 onwards moving from a Dutch to a Sheffield based company. This will also contribute to the Council's reduction of emissions through contracted transport activities.

4.2. Crematoria – capital plans

- 4.2.1. Cremators have a lifespan of approximately 20 years. The current installation cost of a cremator and ancillary plant is c.£1M. A further £1.5M maintenance and rebricking costs are usual over the whole life of the plant.
- 4.2.2. Replacement cremators will be required no later than.

Crematorium	Years	Number
Maple Park	20	1
Skipton	15	2
Stonefall	20	2
Woodlands	5	2

- 4.2.3. There are three methods of cremation available in the UK. Gas fired cremators are the established method of heating cremation chambers and electrical cremators are newer but established technology with both using flame to cremate. Resomation, also known as water cremation or alkaline hydrolysis uses an alkaline solution to reduce a body to ash. Although established in North America, this is a very new method of cremation method which is being introduced to the UK.
- 4.2.4. The service will work alongside colleagues from climate change and energy teams to research the options for each of the different cremation methods including energy use, sustainability and environmental impact as well as practical and public perceptions of introducing new technologies.
- 4.2.5. Skipton Crematorium has the smallest chapel of the four crematoria. A legacy capital investment project which had gained planning permission, proposed extending the chapel to provide cover for larger congregations who currently observe funeral services from outside.
- 4.2.6. The plan is that the chapel seating will be increased from 64 to 114 mourners which will reduce the number of services with outside mourners and provide a chapel size comparable with crematoria in West Yorkshire. A review is ongoing to look to progress this project.

4.3. Cemeteries – an overview

- 4.3.1. North Yorkshire Council is a burial authority (Local Government Act 1972 Sec 214) and is responsible for the maintenance and upkeep of burial grounds.

4.3.2 The Council operates 18 open cemeteries.

- Fewston (Blubberhouses)
- Goldsborough
- Grinton
- Grove Road (Harrogate)
- Harlow Hill (Harrogate)
- Ingleton
- Kirby Malzeard
- Kirby Overblow
- Knaresborough
- Lark Hill (Ripon)
- Larpool (Whitby)
- Pateley Bridge
- Richmond
- Ripon
- Stonefall (Harrogate)
- Waltonwrays (Skipton)
- Wensley
- Woodlands (Scarborough)

4.3.3 Most of these cemeteries are open to new burials. A number have limited new space available and are restricted to interments in occupied family graves or burial of ashes. There are further closed cemeteries in Scarborough at Manor Road and Dean Road. Stonefall has an adjoining cemetery which is maintained by the Commonwealth Graves Commission. There are other open cemeteries operated and maintained by Town Councils at Boroughbridge and Filey.

4.3.4 **Table 2. Number of burials 2023 -2024 to date**

		Craven	Richmond	Harrogate	Scarborough	Total
Apr	Full	0	1	7	7	15
	Ashes	3	1	14	9	27
May	Full	2	2	12	7	23
	Ashes	8	1	14	18	41
Jun	Full	2	1	9	13	25
	Ashes	8	0	10	12	30
Jul	Full	5	0	13	9	27
	Ashes	6	0	15	9	30
Aug	Full	2	0	19	6	27
	Ashes	2	0	14	17	33
Sep	Full	1	0	6	13	20
	Ashes	3	0	16	10	29
Oct	Full	6	0	9	6	21
	Ashes	2	0	20	8	30
Nov	Full	2	0	9	7	18
	Ashes	1	0	17	4	22
Dec	Full	1	0	17	10	28
	Ashes	2	0	18	7	27
Total	Full	21	4	101	78	204
	Ashes	35	2	138	94	269
		473				

4.4 Cemeteries – Capital Plans

- 4.4.1 There are several cemeteries which are reaching capacity. These were identified by legacy councils, and planning had already commenced on extensions and new sites.

Locality	Cemetery	Estimated years left
Scarborough	Larpool Lane, Whitby	3.4 years
	Woodlands, Scarborough	5.2 years
	Lawns, Filey	6.2 years
Harrogate	Pateley Bridge	2.7 years
	Stonefall	3.9 years
	Knaresborough	8.7 years
Craven	Ingleton	16 years
	Waltonwrays	18 years
Hambleton	No cemeteries	
Richmondshire	Wensley	20 years plus
Ryedale	No cemeteries	
Selby	No cemeteries	

- 4.4.2 Legacy capital funds are sufficient to cover the costs of Pateley Bridge for which plans, and pre-planning application are well advanced. A site at Whitby has been identified and work is currently underway with Highways to determine access solutions. Approval will be sought from capital board later this year as plans are finalised.
- 4.4.3 NY Highways will be contracted in each case to construct the cemetery, access works, roadways in the cemetery and memorial footings. This will allow the Council to prudently use capital funds to maximise the expansion programme and allow direct award to minimise the time frame to completion.

4.5 Closed Churchyards

- 4.5.1 The Council is currently responsible for the maintenance and upkeep of 78 closed churchyards. Under the Local Government Act (1974), Section 215, a Church of England Parochial Church Council (PCC) can apply to the Privy Council for an Order to close a churchyard to new burials. Within three months of the closure the PCC can pass the responsibility for maintenance and upkeep to a parish, community or county/county borough council. The churchyard remains consecrated ground and additional burials in existing graves are the responsibility of the parish incumbent. The maintenance of the grounds, boundary walls and memorial safety are the responsibility of the Council. Works other than normal maintenance are subject to the granting of a faculty from the relevant diocese.

4.6 Memorial Safety

- 4.6.1 The Local Authorities Cemetery Order (1997) gives the Council power to maintain or remove any memorial within its cemeteries and churchyards. The service has adopted a proportional approach to assessing and managing the risks, using the Ministry of Justice's guidance to survey over 90k memorials. Wherever possible owners will be contacted, and memorials will only be laid down if they present a significant risk to visitors.
- 4.6.2 During 2024-2025 the service will invest in a Council wide system to collate records into one place and efficiently record safety checks. This will transform this function from seven separate systems to one system using cloud-based software and phone apps to allow

efficient in-field monitoring and recording. This will require extensive mapping of CofE churchyards whose burial records are often not as comprehensive as municipal cemeteries.

4.7 Charter for the Bereaved

4.7.1 The Council has been awarded the Gold Charter for the Bereaved, issued by the Institute of Crematoria and Cemetery Management. Prior to LGR the award was held by Stonefall (Gold) and Skipton (Gold/Silver for cemeteries). Since 1 April 2023 the service has worked hard to achieve Gold standard for both crematoria and cemeteries across the whole service. Approximately one third of crematoria across the United Kingdom and Northern Ireland hold the charter.

4.8 Competition Markets Authority

4.8.1 An investigation by the CMA in 2019 was a result of identification of several concerns within the sector, including that prices for similar services differed between funeral directors and the way that information was provided made it hard for families to compare prices and choose the right combination of services.

4.8.2 The Funeral Market Investigation Order (2021) introduced a range of new legal obligations on funeral directors and crematorium operators to tackle the problems identified by the CMA. The Council is required to provide statutory quarterly returns to the CMA on the number and type of cremations carried out and publish price lists or certain services delivered in pdf format on its website.

5 IMPACT ON OTHER SERVICES/ORGANISATIONS

5.1 Grounds Maintenance

The maintenance of cemeteries and churchyards is carried out by a variety of internal services and external contractors. The service will work with Parks and Grounds over the next year to develop a Council wide strategy to maintenance.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising directly from this report as it is for information only

7.0 LEGAL IMPLICATIONS

7.1. Maple Park LLP

Maple Park is currently constituted as a Limited Liability Partnership. During 2024-2025 a proposal will be tabled at Executive to wind the company up and transfer the assets into the Council.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1. Utility usage

The service is a major consumer of gas at three of the crematoria. Detailed analysis of utility consumption will be carried out to understand the impact of the operation. Comparison data from the electric cremator at Maple Park will provide a better understanding of future options for cremator replacement.

8.2. Biodiversity and nature recovery

Nationally, cemeteries provide 4% of accessible green space in England. A number of our cemeteries are in built-up areas and have been left undisturbed from pesticides etc for a number of years. The service will produce an action plan to develop the biodiversity and

nature recovery in cemeteries balanced with ensuring that the spaces continue to be seen as sacred and respectful so that residents can peacefully remember their loved ones.

9.0 POLICY IMPLICATIONS

- 9.1. Rules and regulations for cemeteries will be revised during 2024-2025 to create a single standardised approach for management of graves and memorials and the granting of future exclusive rights of burial.

10.0 HUMAN RESOURCES IMPLICATIONS

- 10.1 Consultation on harmonisation of job roles within the service will take place during February and March 2024 with implementation from 1 April 2024.

11.0 RECOMMENDATION

- 11.1 To note the content of this report and the capital programme

BACKGROUND DOCUMENTS:

[Local Government Act 1972 Sections 214,215](#)

[The Local Authorities' Cemeteries Order 1977](#)

[Statutory Guidance for Crematoria, Process Guidance Note \(5/2\) 12, Defra 2012](#)

[Managing the safety of Burial Ground Memorials, Ministry of Justice, 2009](#)

[ICCM Charter for the Bereaved](#)

Callum McKeon
Assistant Director - Regulatory Services
County Hall
Northallerton
09 February 2024

Report Author – Adrian Clarke, Head of Registrar, Coroner and Bereavement Services
Presenter of Report – Callum McKeon, Assistant Director, Regulatory Services

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Transition (LGR) Overview and Scrutiny Committee Work Programme 2023/24 and 2024/25

Role and Remit: To scrutinise Leisure, Culture, Tourism, Arts, Waste Collection, Bereavement Services and Licensing

Meeting dates:

- Scheduled future Committee Meetings: Monday 10 June 2024 (2pm), Monday 2 September 2024 (10am), Monday 25 November 2024 (10am), Monday 10 March 2025 (10am)
- Proposed future Mid Cycle Briefings (all 10am): Tuesday 23 April 2024, Monday 5 August 2024, Monday 28 October 2024, 27 January 2025.

Monday 11 March 2024 at 10am

Subject	Description
Verbal Update from Director of Transformation	Standing item to hear from Robert Ling on LGR issues to bring to the attention of the committee.
Harbours Services	Following site visits in September 2023, to consider a report on the operation of the harbours under the responsibility of North Yorkshire Council and the key issues that face the harbours over the next 12/18 months – Paul Thompson, Assistant Director Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours
Bereavement Service	Bereavement Services in North Yorkshire and plans for the future of the crematoriums located in North Yorkshire – Callum McKeon (Assistant Director Regulatory Services, Registration Bereavement and Coroners) and Adrian Clarke
Combined Authority Governance	To note the continued iterative work to update the York and North Yorkshire Combined Authority Constitution ahead of the election of the Mayor.
Standing items	Customer Services progress and HR work (TBC)

Monday 10 June 2024 at 2pm

Subject	Description
Verbal Update from Director of Transformation	Standing item to hear from Robert Ling on LGR issues to bring to the attention of the committee.

Finance System improvement works	To hear about progress with improving Finance system processes - Karen Iveson, Assistant Director Resources (Resources and Central Services)
Reflections on 12 months as a unitary authority	
Standing items	Customer Services progress and HR work (TBC)

Monday 2 September 2024 at 10am

Subject	Description
Verbal Update from Director of Transformation	Standing item to hear from Robert Ling on LGR issues to bring to the attention of the committee.
Standing items	Customer Services progress and HR work (TBC)

Monday 25 November 2024 at 10am

Subject	Description
Verbal Update from Director of Transformation	Standing item to hear from Robert Ling on LGR issues to bring to the attention of the committee.
Standing items	Customer Services progress and HR work (TBC)

Monday 10 March 2025 at 10am

Subject	Description
Verbal Update from Director of Transformation	Standing item to hear from Robert Ling on LGR issues to bring to the attention of the committee.
Standing items	Customer Services progress and HR work (TBC)

Other topics to be considered: (from discussions and Forward Plan)

Improvements to IT systems

Housing – dependent on view of Care, Independence and Housing O&S Committee

Staff retention and recruitment

Progress with legacy District/Borough Council projects

Customer Services transformation – One Front Door approach and single customer front end

Arts and Culture within the new authority

Planning system

Effectiveness of Community Networks

Review of Parish Charter

Public conveniences

Frontline service delivery

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