

INFORMAL IMPLEMENTATION EXECUTIVE

16 March 2022

Governance and Approval of the Implementation Plan

1.0 Purpose of Report

- 1.1 To brief Members on the governance arrangements for implementation of the new unitary council for North Yorkshire.
- 1.2 To approve the Implementation Plan.

2.0 Background

- 2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the County Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed again in May 2022.

3.0 Executive Summary

This report seeks to inform Members on the following matters:

- (a) Explain the stages necessary to implement the new unitary council.
- (b) Note the governance arrangements for working collaboratively prior to the elections on 5 May 2022.
- (c) To seek approval of the Implementation Plan which describes the arrangements to work collaboratively to create the new North Yorkshire Council.

4.0 Local Government Reorganisation

- 4.1 The Secretary of State, Robert Jenrick MP, has announced that Government will proceed with a single unitary for North Yorkshire. The Government had invited proposals in July 2020 to streamline and transfer Local Government in North Yorkshire, replacing the

current two-tier system with a new unitary council. This would pave the way for powers and resources that would accompany devolution under a future agreement.

- 4.2 In February, Government undertook an eight week consultation on proposals submitted for reorganisation and the Government has now proposed to implement a single unitary for North Yorkshire.

5.0 Next Steps

- 5.1 The following stages will need to be progressed in order to create the operation of a new unitary on 1 April 2023:

Stage 1 - Structural Changes Order: Implementation Executive until May 2022

- 5.1.1 An important element in the process of creating a unitary authority is the drafting and making of the Structural Changes Order (SCO). The purpose of the Order is to facilitate the transition from the existing councils in North Yorkshire to create a single unitary council. The Order will define the basic governance and operating principles in the lead-up to the new North Yorkshire unitary authority.
- 5.1.2 A copy of the draft SCO is attached at Appendix A. This has gone through a committee of the House of Commons (the Delegated Legislation Committee) on 21 February 2022 and is due to be debated at the House of Lords. At the time of writing this report it is estimated that this will be debated in the House of Lords on 9 March (but this date could change). It is noted that at the House of Commons the SCO was corrected to remove an extra “and” between “Harrogate Fairfax” and “Harrogate Starbeck” Wards; to the spelling of the Byram Ward and to put the Mid-Craven Electoral Division in the correct alphabetical order.
- 5.1.3 The SCO is made by the Secretary of State for the Department for Levelling Up, Housing and Communities in the exercise of his powers within the Local Government and Public Involvement in Health Act 2007. It is anticipated that the Order will take effect in March 2022 (this is currently expected to be around the 16 March but is subject to change).
- 5.1.4 The eight Councils have currently worked informally through the Implementation Board (which consisted of a Members’ Working Group of all eight Councils) which was specifically designed to mirror the legal governance arrangements that would be implemented by the Structural Changes Order. On the passing of the SCO, the Implementation Board changes to the formal Implementation Executive and has specific legal powers delegated to it.
- 5.1.5 The Structural Changes Order creates an Implementation Executive consisting of County Councillors and District Councillors from March 2022. After the Elections in May 2022, this Implementation Executive will be replaced by the Executive of the newly appointed Members. It is noted that the Implementation Executive will only be in existence for a couple of months and that all Councils will enter into a pre-election period once the Notice of Election is called.
- 5.1.6 A diagram of these arrangements is attached at Appendix B.
- 5.1.7 Attached at Appendix C is a proposed terms of reference for this committee.

- 5.1.8 The Implementation Executive will be responsible for the political governance of the implementation of the new authority prior to Elections. The SCO provides for an implementation team of officers that will consist of colleagues from the County Council and Districts working together to deliver the implementation plan to create the new North Yorkshire unitary council. Previously the Implementation Board informally agreed to the setting up of the Implementation Team of officers who have been working collaboratively together on the transitional arrangements to create the new authority.

Stage 2 - After Elections prior to Vesting Date of 1 April 2023

- 5.1.9 After May, the newly elected Councillors will be responsible for the political oversight of the County Council for the first year and then will be responsible for North Yorkshire Council for the next four years. The first Executive after the Elections will take over the responsibility of the Implementation Executive to provide political oversight of the Implementation Plan.

6.0 Approval of the Implementation Plan

- 6.1 The SCO provides that the Implementation Executive must prepare, keep under review and revise as necessary an Implementation Plan to secure the effective, efficient and timely discharge of the transition to the new unitary authority on 1 April 2023.
- 6.2 The Implementation Plan must include such plans and timetables as the Implementation Executive consider is necessary to allow the smooth transition to the new unitary council. The final Implementation Plan must also include such budgets and plans as considered necessary or desirable to facilitate the economic, effective, efficient and timely discharge of the new unitary council's functions on or after 1 April 2023.
- 6.3 The SCO provides that for the purposes of preparing and reviewing the Implementation Plan, the Implementation Executive must have regard to the information supplied to the Secretary of State in support of the proposal for a single tier local government in North Yorkshire.
- 6.4 Members are asked to recommend for approval the attached draft Implementation Plan at Appendix D. It is noted that this document will constantly be kept under review and any revisions after the May elections will be submitted to the newly elected Executive for its approval, review and amendments.
- 6.5 The draft Implementation Plan recognises that there is a considerable amount of work to create a new unitary authority on 1 April 2023 and also recognises the collaborative approach that has already been taken by the eight authorities working together for the benefit of North Yorkshire. The Implementation Plan adopts a set of core design principles which sets out the clear ambition for the new unitary authority, namely:
- Customer focused.
 - Digital by preference.
 - Countrywide and local.
 - Locally accountable and empowering.
 - Data-led and financially sustainable.

- Collaborative.
- Empowered, agile and innovative workforce.
- Promoting equality, diversity and inclusion.
- Tackling climate change.

6.6 The Implementation Plan identifies that during the transition until Vesting Date the key priorities for the eight Councils working together are to ensure:

- Safe and legal operations.
- Democratic arrangements are in place, including the election of the new council in May 2022, comprehensive Member induction programme and the formation of relevant committees.
- Transfer of staff and the retention and engagement of employees.
- Transfer of property, assets and contracts.
- IT systems and technology are in place.
- Customer access/One Front Door (and simplification of customer journey).
- Locality transformation and implementation of new localism.
- The ability to undertake transformational activity as required.
- Clarity is provided for Members, employees and members of the public on what type of organisation the new Council will be.
- A comprehensive Member engagement programme will be established to ensure there is appropriate political oversight and input.

6.7 The Implementation Plan identified 15 workstreams across the Change Programme which are:

- Corporate Governance.
- Communications, Engagement and Branding.
- Customer.
- Finance.
- Human Resources and People.
- ICT and Digital.
- Locality.
- Organisational Development.
- Property.
- Culture, Leisure and Sport.
- Economic Development.
- Housing.
- Planning.
- Regulatory Services and Emergency Planning.
- Waste, Highways, Parking and Street Scene.

6.8 As well as progressing with Local Government Reorganisation, the Councils along with the City of York Council are working together with an ambition to deliver Devolution into the region to attract additional funding and powers to be delivered after Vesting Date for North Yorkshire Council.

6.9 The Implementation Plan as attached at Appendix D will be a living document which will be continually reviewed and updated. The Members of the Implementation Executive are asked to recommend to the Chief Executive Officer of the County Council to approve the

Implementation Plan using his emergency powers. An updated Implementation Plan will then be presented to the Executive of the newly elected Members in May for them to approve in person.

7.0 Recommendations

It is requested that the Informal Meeting of the Implementation Executive recommends to the Chief Executive Officer to approve the Implementation Plan attached at Appendix D.

Appendices:

- A. Structural Changes Order.
- B. Diagram to show the two stages of governance.
- C. Terms of Reference for the Implementation Executive.
- D. Draft Implementation Plan.