

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE

21 June 2022

PROPOSED DECISION MAKING FOR TRANSITIONAL ARRANGEMENTS

Report of the Assistant Chief Executive (Legal and Democratic Services)

1.0 Purpose of the report

- 1.1 To set out the proposals for engaging with members on the necessary decision making processes that are needed prior to vesting date.

2.0 Background

- 2.1 Following the elections, the 90 Councillors of NYCC will become the Councillors responsible for North Yorkshire Council on the 1st April 2023. There are a number of decisions that will be needed be made by the Executive and the Council to prepare for the creation of the new Unitary North Yorkshire Council prior to vesting date. The North Yorkshire (Structural Changes) Order 2022 provides the legal power for the Executive to make the necessarily transitional decisions that are needed to allow the transition to the new unitary authority. The Executive will be overseeing the planning and preparation for the new unitary Council. In addition, there will be some policies and decisions that full Council will want to determine prior to vesting date.
- 2.2 The Order provides that the Executive must have regard to the document submitted to the Secretary of State in support of its proposal for single tier local government, namely “The case for change” which can be found at:<https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strongertogether/82237%20North%20Yorkshire%20Council%20A4%20GOV%20-%20Accessible.pdf>
- 2.3 In order to deliver the aims identified in the Case for Change, it is necessary to ensure there is political oversight and decision making in creating the new unitary Council.

3.0 Cross Party Member Working Groups

- 3.1 To enable greater member engagement and to proceed with the work within the required timeliness, it is proposed that the Executive create a number of cross-party member working groups to look at various areas in more depth. These groups will be set up as Task and Finish Groups that will consider, review and make recommendations to the decision taking body on areas within their remit.

3.2 It is envisaged that the following Member Working Groups are established:

- (1) Locality and Committee Governance
- (2) Planning
- (3) Customer
- (4) Waste
- (5) Member Support and role of a Councillor
- (6) Licensing
- (7) Council Tax Harmonisation

3.3 The terms of reference for these groups is attached at appendix 1. It is envisaged that these groups will be allocated on a politically proportionate basis and groups will be asked to nominate their representatives to sit on the groups. Each working group will consist of a core group of 10 Councillors; however it will be open to other Councillors and others to join the meetings and contribute to enable a wider participation to discuss the relevant subject area. The Chair will be appointed by the Executive.

3.4 These working groups can then make recommendations to the Executive (via the relevant Scrutiny Committee if considered appropriate by the Chair). The working groups will be supported by officers from the District and County Council and the Chair can invite additional relevant individuals to provide advice to the group.

3.5 Further specific task and finish member groups may be created by the Executive to deal with specific issues, but initially the above groups will be formed so the relevant areas can be discussed as a priority.

4.0 Decision Making

4.0 There will be a number of decisions that need to be taken prior to vesting date and a draft forward plan is attached at Appendix 2. These dates may be subject to change depending on the work and timeframes that the working groups will consider the matters but it is helpful to identify as early as possible the types of decisions that need to be made and to plan accordingly.

5.0 Legal implications

5.1 The working groups will not be set up as formal decision making committees, but instead provide a member forum to consider issues and make recommendations. This means that they will have additional flexibility with regard to the format to the meetings and that they can meet virtually and arrange meetings at shorter notice than formal committees. Their recommendations will be made public via reports to the Executive or Scrutiny Committee which will consider their recommendations in a public meeting.

6.0 Equalities implications

- 6.1 It is recommended that an inclusive approach is taken with members to ensure that a wide range of views from Councillors can be considered in making the necessary decisions prior to vesting date.

7.0 Recommendations

It is recommended that:

- 7.1 The Executive approve the creation of the 7 Cross Party Working Groups identified in paragraph 3.2
- 7.2 All Political Groups in the Council appoint relevant members onto the Groups.
- 7.3 The Groups report back their findings and recommendations to the Executive (and/or relevant Scrutiny Committee) as appropriate

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall
Northallerton

9 June 2022

Appendices:

Appendix 1 - Outline of the proposed Recruitment Process

Appendix 2 - Draft Forward Plan for Transitional Arrangements (all dates are provisional until confirmed)

APPENDIX 1 - Outline of the proposed Recruitment Process

TERMS OF REFERENCE FOR THE LGR WORKING GROUPS

1. Remit

The Working Groups have the following remit, namely to provide a cross party working group to consider, review and making recommendations on:

NAME	REMIT
Locality and Committee Governance	<ul style="list-style-type: none"> • Vision/strategy for localities • Governance of Area Committees • Overall governance arrangements – Executive or Committee system • Interaction with Town and Parish Councils • Community Network Framework
Planning	<ul style="list-style-type: none"> • Service delivery of the Planning Service as a unitary council • Continuation of Local Plans • Decision making • Review of existing process and baselining • Links with Locality and Committee Governance regarding governance of committees for Planning decisions
Customer	<ul style="list-style-type: none"> • Customer strategy • Face to face/telephone/on line interaction • Complaints procedure • Performance standards
Waste	<ul style="list-style-type: none"> • Waste Strategy • Review of existing services • Review on opportunities • Charging policies
Member Support and role of a Councillor	<ul style="list-style-type: none"> • Support provided to Councillors to carry out their role as a unitary councillor • Training for members • ICT for members • Roles as individual members • Member grant schemes
Licensing	<ul style="list-style-type: none"> • Licensing policies regarding entertainment licences • Licensing policies regarding private hire and hackney carriages (taxis) • Decision making at Area Committee level or elsewhere

Council Tax Harmonisation	<ul style="list-style-type: none"> • Consideration of options regarding harmonising Council Tax
----------------------------------	--

2. Membership of the Group:

Each working group will consist of a core group of 10 Councillors who will be appointed on a politically balanced basis. However it will be open to other Councillors to join the meetings and contribute to enable a wider participation of members who wish to contribute to the relevant subject area. The Chair will be appointed by the Executive.

	Name of Councillor	Political Group
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Conservative
7		Liberal Democrat and Liberal
8		Labour
9		North Yorkshire Independent
10		Green Party

Arrangements will need to be made to accommodate the unaffiliated members.

Lead Officer: [insert name(s)]
 Democratic Support Officer: [insert name(s)]

3. Meetings

It is anticipated that there would be the need for 2 or 3 meetings before a report could be produced to the decision making body. However it will be up to each Working Group Chair to determine the frequency and number of meetings needed and will dependent on the complexity of the issues that are being considered.

The Working Group will try to reach recommendations by consensus but if that is not possible, recommendations will be made on a majority decision basis from the core group of 10 Councillors.

All members of the groups can attend the Executive to make their individual views known to the Executive.

Meetings can be held remotely or physically.

APPENDIX 2

NORTH YORKSHIRE COUNTY COUNCIL

Draft Forward Plan for Transitional Arrangements (all dates are provisional until confirmed)

FUTURE DECISIONS					
Decision required	Date and name of Members' Working Group	Date of relevant Members' Seminar	Date of relevant Overview and Scrutiny Committee (if appropriate)	Date of Executive	Date of full Council
Council Tax Reduction Scheme - To approve options and the commencement of a statutory consultation process on the proposals (legally required to be in place two years after Vesting Date).		8 June 2022		5 July 2022	
Council Tax Premiums and Discounts				5 July 2022	
Decision on whether to proceed with Community Review - Decision on whether to proceed with a Community Governance Review to restructure non-parished areas in Harrogate and Scarborough that will be governed in the interim by Charter Trustees		6 July 2022		19 July 2022	
Approval of new Constitution - To approve the Constitution which will have provision for: <ul style="list-style-type: none"> • Role of locality: • Area Constituency Committees • Planning Decision making • Licensing Decision making 	Planning Working Group Locality Working Group	2 November 2022	Corporate and Partnerships OSC: 12 September 2022 5 December 2022	13 December 2022	(latest) 23 February 2023 (Reserve Date)
Approval of new Constitution - To approve the Constitution which will have provision for:		6 July 2022	Corporate and Partnerships OSC:	13 December 2022	(latest) 23 February 2023

FUTURE DECISIONS					
Decision required	Date and name of Members' Working Group	Date of relevant Members' Seminar	Date of relevant Overview and Scrutiny Committee (if appropriate)	Date of Executive	Date of full Council
<ul style="list-style-type: none"> Property Procedure Rules Contract Procedure Rules Finance Procedure Rules Arrangements for Scrutiny for new unitary 			12 September 2022		(Reserve Date)
Approval of Members' Allowances		5 October 2022		18 October 2022	16 November 2022
Council Plan		4 January 2023		24 January 2023	15 February 2023
Devolution Deal/Combined Authority		8 June 2022		<p>6 September 2022 - Agree deal and start consultation</p> <p>13 December 2022 - Agree creation of mayoral combined authority (subject to consultation responses)</p> <p>21 March 2023 - Confirm Statutory Instrument to create combined authority</p>	

FUTURE DECISIONS					
Decision required	Date and name of Members' Working Group	Date of relevant Members' Seminar	Date of relevant Overview and Scrutiny Committee (if appropriate)	Date of Executive	Date of full Council
Gambling Act Policy - Council to approve a Gambling Policy for the area (legally required to be in place two years after Vesting Date)	Licensing	5 October 2022	Transport, Economy and Environment OSC 20 October 2022	8 November 2022	16 November 2022
Licensing Act Policy - Council to approve a policy for the regulation of premises and entertainment licences for the area (legally required to be in place two years after Vesting Date)	Licensing	5 October 2022	Transport, Economy and Environment OSC 20 October 2022	8 November 2022	16 November 2022
Taxi licensing policies and conditions	Licensing	5 October 2022	Transport, Economy and Environment OSC 20 October 2022	8 November 2022	16 November 2022
Enforcement Policy - to approve the relevant enforcement policies for the new authority				18 October 2022	
Appointment to District companies/ outside bodies - To appoint where necessary to the positions that will be vacated upon the cessation of the District/Borough Council.				21 March 2023	
Process for the consideration of identifying a number of pilot town/parish Councils to have additional powers and responsibilities from the unitary Council and the process for considering such transfers	Locality Working Group			21 March 2023	
Approval of Housing Allocation Policy - To approve the Housing Allocation Policy for the new authority. (Legally required to be approved within two years of Vesting Date)		7 December 2022	Corporate and Partnerships OSC -5 December 2022	10 January 2023	(latest) 22 February 2023

FUTURE DECISIONS					
Decision required	Date and name of Members' Working Group	Date of relevant Members' Seminar	Date of relevant Overview and Scrutiny Committee (if appropriate)	Date of Executive	Date of full Council
Housing Strategy - To consider housing issues across the districts and approving a Housing Strategy and relevant HRA matters.		7 December 2022	Corporate and Partnerships OSC – 5 December 2022	10 January 2023	(latest) 22 February 2023
Communications Strategy - Approval of Communications Strategy which will include: <ul style="list-style-type: none"> • Logo • Branding position: decision whether to replace all signs etc • Protocol for Member engagement with press and media 		6 July 2022	Corporate and Partnerships OSC- 13 September 2022	13 December 2022	
Discretionary Business Rates Policy - To approve the Discretionary Business Rates Policy for the unitary council after Vesting Date.		8 June 2022		21 June 2022	
Creation of a new Scrutiny Committee - To create an additional Scrutiny Committee and revise the terms of the existing Scrutiny Committee to provide support and challenge for reviewing the transitional functions for the creation of the unitary council.		8 June 2022	Scrutiny Board	21 June 2022	20 July 2022
Council Tax Harmonisation - To consider the period in which to achieve Council Tax harmonisation for North Yorkshire Council	Council Tax Harmonisation Working Group	TBC	TBC	24 January 2023	15 February 2023
Pay Policy - To comply with the statutory requirements to publish the Council's Pay Policy		4 January 2023		24 January 2023	15 February 2023
Approve Interim Leisure Operating Model for Selby - To approve an Interim Leisure Operating Model ahead of the Selby District Council review to determine the approach for leisure services after the expiry of the existing contract.		6 July 2022	Corporate and Partnerships OSC - informal briefing in July or additional meeting	19 July 2022/23 August 2022	

FUTURE DECISIONS					
Decision required	Date and name of Members' Working Group	Date of relevant Members' Seminar	Date of relevant Overview and Scrutiny Committee (if appropriate)	Date of Executive	Date of full Council
Confirmation of remuneration package for Chief Executive and appointment of Chief Executive and Chief Officers			Chief Officers Appointment and Disciplinary Committee: 6 June 2022 (remuneration) TBC (appointment)	21 June 2022 (remuneration) TBC (appointment)	20 July 2022 (remuneration) TBC (appointment)
Budget Setting		4 January 2023	Early January 2023 local budget presentation to ACCs x 6	24 January 2023	15 February 2023
Council charging policy and rates		4 January 2023		24 January 2023	
Policy Approval for relevant areas: <ul style="list-style-type: none"> • Climate Change • Local Transport Plan • Creation of Community Networks policy • Etc 		TBC	TBC	8 November 2022	16 November 2022
Customer Strategy, including <ul style="list-style-type: none"> • Face to face contact 	Customer Workstream	TBC	Corporate and Partnership OSC TBC	13 December 2022	

FUTURE DECISIONS					
Decision required	Date and name of Members' Working Group	Date of relevant Members' Seminar	Date of relevant Overview and Scrutiny Committee (if appropriate)	Date of Executive	Date of full Council
<ul style="list-style-type: none"> On line strategy Telephone contact Customer contact centre 			12 September 2022/ 5 December 2022		
Role of the Local Member/Member support	Member Support Workstream	TBC	Corporate And Partnerships OSC: 12 September 2022 5 December 2022	13 December 2022	(latest) 23 February 2023 (Reserve Date)
Review of Waste services	Waste Workstream	TBC			
Relevant Emergency Plans required prior to Vesting Date				Head of Paid Service decisions by February 2023	
Housing Assistance Policy (legally required to be approved within two years after Vesting Date)	Envisaged that existing policies will continue on vesting date				