

## APPENDIX 3

### Proposed amendments to the Constitution by the ACE(LDS) under his specific delegations to amend the Constitution regarding LGR transitional arrangements

These proposed amendments reflect the ending of the first transitional period and the beginning of the second transitional period.

*Amend the following text on the very first page of the Constitution:*

...

---

# CONSTITUTION

---

## **\*\* TRANSITIONAL ARRANGEMENTS IN 2022/23 DURING LOCAL GOVERNMENT REORGANISATION \*\***

Please see Part 3 of the Constitution (Responsibility for Functions) for details of the transitional arrangements which will apply during Local Government Reorganisation in 2022/23. The Constitution should be read in the context of these transitional arrangements.

The Council Constitution ~~has been amended to reflect~~ temporary changes to governance arrangements ~~that have been implemented as part of the Council's response to the Coronavirus pandemic. The version of the Council Constitution prior to these changes is also available to view.~~

This document explains the structure and workings of North Yorkshire County Council, including all the rules and procedures under which the Council operates. It sets out who makes decisions and how they are made, and the rights of citizens to obtain information and to influence decisions. This Constitution is maintained under Section 37 of the Local Government Act 2000.

**Commented [MB1]:** Proposing to update this paragraph re Covid19 under Barry's general delegations, as the changes re Covid became permanently embedded in the Constitution.

## Contents Page

Remove reference to the Implementation Executive into Part 3, Schedule 2:

### Schedule 2 – The Executive:

- Executive Members and their Responsibilities
- Register of Executive Committees
- Delegation of Executive Functions
- Executive Members Delegation Scheme
- Sub-Committees of Executive
  1. Shareholder Committee - membership and terms of reference
  2. ~~Implementation Executive – membership and terms of reference~~

**Commented [MB2]:** The Implementation Team was abolished (by law) at the end of the first transitional period.

## Part 1 – Summary and Explanation

Amend the following explanatory text after the title:

# SUMMARY AND EXPLANATION

## **\*\* TRANSITIONAL ARRANGEMENTS IN 2022/23 DURING LOCAL GOVERNMENT REORGANISATION \*\***

The Government has announced that there will be a new unitary authority for North Yorkshire from 1 April 2023, replacing the current two-tier system.

The North Yorkshire (Structural Changes) Order 2022 came into force on 18 March 2022 and facilitates the transition from the existing councils in North Yorkshire to create a single unitary council.

The main transitional function (“preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils’ functions, property, rights and liabilities”) is added to the County Council’s functions, exercisable only during the first and second transitional periods:

- The first transitional period means the period beginning on the date when the Structural Changes Order comes into force and ending on the fourth day after the 2022 local government elections (which were held on 5 May 2022).
- The second transitional period means the period beginning on the fourth day after the 2022 election day and ending on 1st April 2023.

NYCC’s executive arrangements initially now provided for the discharge of the main transitional function and certain other transitional functions (“the article 7 functions”) namely:

- a) such NYCC executive and non-executive functions existing on the date on which the Structural Changes Order comes into force and
- b) such other functions as the Secretary of State may specify by order or regulations

to be the responsibility, throughout the first transitional period, of a committee of the Executive, known as the Implementation Executive. ~~Please see Part 3, Schedule 2 for more information about the Implementation Executive.~~

**Commented [MB3]:** Suggest we retain historic reference to the Implementation Executive in this text, as an audit trail.

~~The Implementation Executive must prepare an Implementation Plan relevant to the process of transition to single tier local government, assisted by a team of officers (“the Implementation Team”) drawn from NYCC and the district councils.~~

At the end of the first transitional period, the Implementation Executive ~~will be~~ abolished (by law) and the discharge of the main transitional function, the article 7 functions, and functions under article 9 of the Structural Changes Order ~~became~~ the responsibility of NYCC’s Executive.

The Constitution should be read in this context.

The Assistant Chief Executive (Legal and Democratic Services) has delegated power to amend the Constitution to ensure that the Constitution and the Council’s procedures meet all legal requirements and to reflect the transitional arrangements which apply in each of the transitional periods.

## The Council’s Constitution

North Yorkshire County Council’s Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 16 articles which set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate rules and protocols later in the document.

...

## Part 3 – Responsibility for Functions

### Contents Page

*Remove reference to the Implementation Executive from Schedule 2:*

#### Schedule 2 The Executive:

- Executive Members and their Responsibilities
- Register of Executive Committees
- Delegation of Executive Functions
- Executive Members’ Delegation Scheme
- Sub-committees of Executive
  1. Shareholder Committee - membership and terms of reference
  - ~~2. Implementation Executive – membership and terms of reference~~

### Responsibility for Functions

*After the title “Responsibility for Functions” (after the Contents page, explanatory introduction and flowcharts), add the following text:*

## **Responsibility for Functions**

**\*\* TRANSITIONAL ARRANGEMENTS IN 2022/23**

OFFICIAL

## **DURING LOCAL GOVERNMENT REORGANISATION \*\***

The Government has announced that there will be a new unitary authority for North Yorkshire from 1 April 2023, replacing the current two-tier system.

The North Yorkshire (Structural Changes) Order 2022 came into force on 18 March 2022 and facilitates the transition from the existing councils in North Yorkshire to create a single unitary council.

The main transitional function (“preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils’ functions, property, rights and liabilities”) is added to the County Council’s functions, exercisable only during the first and second transitional periods:

- The first transitional period means the period beginning on the date when the Structural Changes Order comes into force and ending on the fourth day after the 2022 local government elections (which were held on 5 May 2022).
- The second transitional period means the period beginning on the fourth day after the 2022 election day and ending on 1st April 2023.

NYCC’s executive arrangements ~~new-initially provided~~ for the discharge of the main transitional function and certain other transitional functions (“the article 7 functions”) namely:

- a) such NYCC executive and non-executive functions existing on the date on which the Structural Changes Order comes into force and
- b) such other functions as the Secretary of State may specify by order or regulations

to be the responsibility, throughout the first transitional period, of a committee of the Executive, known as the Implementation Executive. ~~Please see Part 3, Schedule 2 for more information about the Implementation Executive.~~

~~The Implementation Executive must prepare an Implementation Plan relevant to the process of transition to single tier local government, assisted by a team of officers (“the Implementation Team”) drawn from NYCC and the district councils.~~

At the end of the first transitional period, the Implementation Executive ~~will be~~ abolished (by law) and the discharge of the main transitional function, the article 7 functions, and functions under article 9 of the Structural Changes Order ~~became~~ the responsibility of NYCC’s Executive.

The Constitution should be read in this context.

The Assistant Chief Executive (Legal and Democratic Services) has delegated power to amend the Constitution to ensure that the Constitution and the Council’s procedures meet all legal requirements and to reflect the transitional arrangements which apply in each of the transitional periods.

### **1. GENERAL**

1.1 All of the Council’s functions are the responsibility of either:

- ♦ Full Council; or
- ♦ The Executive ...

### **Part 3, Schedule 2**

OFFICIAL

In Schedule 2, after the Shareholder Committee Membership and Terms of Reference, delete the Membership and terms of Reference for the Implementation Executive as below:

## IMPLEMENTATION EXECUTIVE

### Membership

	<b>Councillors</b>	<b>Authority</b>
4	BASTIMAN, Derek	North Yorkshire County Council
2	CHANCE, David	North Yorkshire County Council
3	CRANE, Mark	Selby District Council
4	DADD, Gareth	North Yorkshire County Council
5	DALE, Angie	Richmondshire District Council
6	FOSTER, Richard	Craven District Council
7	HARRISON, Michael	North Yorkshire County Council
8	KEAL, Dinah	Ryedale District Council
9	LEE, Andrew	North Yorkshire County Council
10	LES, Carl (Chair)	North Yorkshire County Council
11	MACKENZIE, Don	North Yorkshire County Council
12	MULLIGAN, Patrick	North Yorkshire County Council
13	ROBSON, Mark	Hambleton District Council
14	SANDERSON, Janet	North Yorkshire County Council
15	SIDDONS, Steve	Scarborough Borough Council
16	SWIFT, Graham	Harrogate Borough Council
17	WHITE, Gregory	North Yorkshire County Council
<b>Total Membership — (17)</b>		

The officers' Implementation Team consists of officers drawn from NYCC and the district councils and supports the work of the Implementation Executive:

### The Officers' Implementation Team

<b>Officer</b>	<b>Representing</b>
----------------	---------------------

OFFICIAL

<del>Assistant Chief Executive (Business Support)</del>	<del>North Yorkshire County Council</del>
<del>Chief Executive Officer</del>	<del>Ryedale District Council</del>
<del>Corporate Director Children and Young People's Service</del>	<del>North Yorkshire County Council</del>
<del>Chief Executive</del>	<del>Richmondshire District Council</del>
<del>Chief Executive Officer</del>	<del>North Yorkshire County Council</del>
<del>Head of Communications</del>	<del>North Yorkshire County Council</del>
<del>Chief Executive</del>	<del>Scarborough Borough Council</del>
<del>Chief Executive</del>	<del>Hambleton District Council</del>
<del>Assistant Chief Executive (Legal and Democratic Services)</del>	<del>North Yorkshire County Council</del>
<del>Assistant Director Technology and Change</del>	<del>North Yorkshire County Council</del>
<del>Chief Executive</del>	<del>Harrogate Borough Council</del>
<del>Chief Executive</del>	<del>Craven District Council</del>
<del>Chief Executive</del>	<del>Selby District Council</del>
<del>Corporate Director Health and Adult Services</del>	<del>North Yorkshire County Council</del>

#### **IMPLEMENTATION EXECUTIVE – TERMS OF REFERENCE AND ROLES AND RESPONSIBILITIES**

**Purpose:** ~~The purpose of the Implementation Executive is to provide a committee as specified in the North Yorkshire (Structural Changes) Order 2022 to have political oversight of the Implementation Programme for the creation of a unitary council for North Yorkshire.~~

**Role:** ~~The role of the Implementation Executive is to:~~

- ~~(i) provide political support and challenge to the implementation and transition process in creating a new unitary council for North Yorkshire~~
- ~~(ii) collectively have oversight of the draft Implementation Plan and the work undertaken by the Officers Implementation Team~~
- ~~(iii) to carry out the functions as identified in the North Yorkshire (Structural Changes) Order 2022 as being the functions of the Implementation Executive.~~

**Membership (and Chair):** ~~Membership of this Implementation Executive will consist of:~~

- ~~(1) 10 members of North Yorkshire County Council (which will be the Leader and Executive of the County Council);~~  
~~(2) 1 member from each of the seven District and Borough Councils.~~

Named substitutes are allowed for each of these Members.

~~The Implementation Executive will try and make recommendations through consensus but if a vote needs to be taken at the committee, it will be one member, one vote with the Chair having a casting vote. Matters requiring determination will be decided by a simple majority.~~

~~The Chair will be the Leader of North Yorkshire County Council.~~

~~**Objectives:** To provide political oversight from all seven District and Borough Councils and the County Council in North Yorkshire of the transitional work that is required to create a new unitary authority.~~

~~**Background:** On the 21st July 2021, Robert Jenrick, the Secretary of State for Housing, Communities and Local Government, approved the proposal for a North Yorkshire Unitary Council. A Structural Changes Order will be made in March 2022 to create the joint Implementation Executive of County Councillors and District Councillors to work together to implement a new unitary council.~~

~~**Frequency of meetings:** The Implementation Executive is not envisaged meeting during the pre-election period but an emergency meeting can be held if needed.~~

~~**Responsibilities:** The Implementation Executive's role is to provide political oversight to oversee the management and transition of services across North Yorkshire and to fulfil all the requirements of the Implementation Executive under the Structural Changes Order.~~

~~The Implementation Executive will specifically be responsible for:~~

- ~~• Providing a political steer to the Officers' Implementation Team.~~
- ~~• Collectively providing political oversight for the workstreams identified in the Implementation Plan.~~
- ~~• Receiving regular updates from the Officers' Implementation Team.~~
- ~~• Ensuring that there are robust plans for a smooth transition to new service delivery arrangements.~~
- ~~• Ensuring that there is adequate consultation across all eight Councils.~~
- ~~• Approving the Implementation Plan.~~