RYEDALE DISTRICT COUNCIL

URGENCY POWERS

PRE-DECISION CONSULTATION

TITLE OF CONSULTATION: **STRUCTURAL CHANGE ORDER**

OFFICER REQUESTING: **SIMON COPLEY**
HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER

1.0 PURPOSE

1.1 To decide whether Ryedale District Council submits a formal response to the Ministry for Housing, Communities and Local Government (MHCLG) on any aspect of the content for the Structural Change Order.

2.0 RECOMMENDATION(S)

2.1 It is recommended that:

(i) Ryedale District Council submits a formal response to MHCLG on content for the Structural Change Order, requesting greater parity between the County Council and District and Borough Council numbers on the Implementation Executive and the application of political proportionality.

3.0 REASON FOR RECOMMENDATION(S)

3.1 MHCLG has set a deadline for submitting views on the content of the Structural Change Order of 20 September 2021.

3.2 A response was drafted on behalf of Ryedale District Council, following consultation with Group Leaders, and was fed back to the Implementation Board meeting on 15 September 2021. The Board is made up of political representatives from across North Yorkshire – that is, the Leaders of seven councils, the County Council and in Ryedale's case, the Chair of Policy and Resources.

3.3 The response drafted for the Implementation Board is appended to this decision request as Appendix A.

3.4 At the Implementation Board there was broad consensus around the content of the Structural Change Order. However the Ryedale representative did question whether there should be greater parity between the County Council and District and Borough Council numbers on the Implementation Executive and the need for political proportionality.

3.5 The proposal for the Implementation Executive to be made up of 10 County Council representatives and 7 District and Borough Council representatives would result in a political balance of 14 Conservatives (10 County and 4 District and Borough) and 3 non-Conservatives.

3.6 The Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer at the County Council advises that if political proportionality was formally applied, the only change would be to require at least one non-Conservative representative from the County Council and therefore a request would be made to increase their number of representatives to 11. There would be no change to the District and Borough representation. Advice from MHCLG is still awaited to confirm this calculation of political proportionality.

3.7 The advice given at 3.6 suggests that the application of formal proportionality would not change the representation from the District and Borough Councils and may have the consequence of increasing representation from the County Council.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with submitting a consultation response as each council is entitled to do so. Significantly more risk has been introduced into the system as a consequence of local government reorganisation, which is currently being assessed. The situation detailed in section 3 above regarding political proportionality supports the mitigation of risks by ensuring political balance in representation and decision making by the Implementation Executive.

5.0 IMPLICATIONS

5.1 The following implications have been identified:

a) Financial
Ryedale District Council will be expected to contribute staffing and other resources towards implementation of the new authority. The Head of Paid Service and Section 151 Officer are currently assessing the implications of this in terms of cost and any service continuity implications.

b) Legal
The Structural Change Order will be legally binding.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
The Implementation Executive needs to represent all councils and their overall political make up to ensure political balance.

6.0 MONITORING OFFICER ADVICE

The Chair of Policy and Resources Committee should be consulted on this decision. Engagement with Group Leaders had previously been recommended as part of the process and had taken place, with views provided fed into the response at Appendix A.

7.0 CONSULTATION RECORD

According to the Constitution, under urgency powers, decisions usually taken by the Council and its committees are taken by the CEO following consultation with the appropriate elected members.

The appropriate elected members are:

- The Leader of the Council
- The Chair of the appropriate committee, for matters relating to that specific committee[1]
- Relevant Ward member(s), if any, for matters of particular relevance to that ward[2]

Name of consultee	Cllr Dinah Keal
That a response should be submitted to MHCLG requesting greater parity between the County Council and District and Borough Council numbers on the Implementation Executive, so that the County Council have a simple majority of one, and the application of political proportionality.	
Date consultation completed	20 September 2021

8.0 DECISION

Decision of the CEO based on consultation	The recommendation is approved.
Date	21-09-21

[1] "Chairman of the appropriate Committee" refers to committee specific matters and does not mean that all Committee Chairs will be consulted on everything

[2] "Relevant Ward Member(s), if any" refers to ward specific matters and does not mean that all Members will be consulted on everything

APPENDIX A

	Ryedale's formal response, following discussions between CEO and Group Leaders
Name of the new authority	Our overall preference would be for the word Unitary to be added in – North Yorkshire Unitary Council. We would not support the continued use of North Yorkshire County Council. Although not a matter for the SCO, Elected Members have expressed a strong view that they would wish to be shared at this stage. That is, there should not be extensive rebranding for LGR given the likely costs involved.
Form of Unitary Council	Our view is that the most cost effective and simplest method should be used to transition to unitary council status. This view is based on the proviso that if a continuing authority model is used to form the unitary council, that we are not endorsing any principle that district and boroughs are being 'added to' the County Council.
Number of councillors for first Election (May 2022) for North Yorkshire Council and new Ward arrangements	Our understanding from the MHCLG is that we are now expected to implement the County Council-led proposal, which means that circa 90 members is the ceiling for revised ward arrangements. We remain concerned about this figure, and consider it detrimental to levels of democratic representation. However, we have had an opportunity to feed into the County Council proposals on warding arrangements, and were able to ask for changes. On this basis, and given the framework in which we are now working, we will not be submitting an alternative proposal Elected Members at Ryedale are also concerned about how this proposal influences the detail of how local democracy and service delivery will operate. Questions being asked are about the set-up of local area committees. What level of essential local decision making powers will they have? What level of funding for such decisions will be devolved to them? There is a view that a number of issues must be decided / monitored locally, such as planning, waste collection, housing, benefits etc,,which could not be effectively controlled from a distant location.
Composition of Implementation Executive prior to Elections	We do not support and are concerned about NYCC's proposal and consider a majority of 3 excessive. We accept that we would need to support a majority of one in favour of the County Council, in line with MHCLG's initial guidance. If the 10/7 split is accepted by the Minister, we would ask that there is no provision made for the Chair to have a casting vote. We would want political proportionality to be considered, particularly in a 10/7 split scenario. We do not believe it is necessary to specify the Leader of the County Council as the Chair (MHCLG have only asked the question should it be specified). If this is agreed by the Minister we would ask that the Vice Chair is a District or Borough Council Leader, and also specified. It will be important to establish formal arrangements for the Implementation Executive.
Composition of Implementation Team	We do not believe it is necessary to specify the CX of County Council as the Chair (MHCLG have only asked the question should it be specified). If this is agreed by the Minister we would ask that the Vice Chair is a District or Borough Council CX, and also specified.
Electoral Cycle for new Council	Accept this proposal
Creation of a Combined Authority	We have a number of questions on this matter. In principle it would be helpful. However the current approvals regarding devolution by constituent councils may need to be considered. We are also assuming there will need to be dialogue with CYC as this would be affected by the creation of a Combined Authority. Finally we would wish to shape any detail relating to the link with local democracy. The use of the term County Council Executive as highlighted in yellow is not accepted.
Duty to Co-operate	We accept this proposal. However, we would like to highlight the need for all councils to be equally involved in shaping this stage of the process so that the best possible North Yorkshire Unitary Council is created and implemented.
Power to create Town Councils	This is a matter primarily for Scarborough and Harrogate but agree that this should be supported. The use of the term County Council Executive as is not accepted.