

# North Yorkshire Council

## Executive

17 October 2023

### Double Devolution Pilots – Town and Parish Councils

#### 1.0 PURPOSE OF REPORT

- 1.1 To advise the Executive of the outcome of the invitation that was sent to all town and parish councils seeking expressions of interest for double devolution pilots and to seek approval for those expressions of interest, as set out at 3.3, that are recommended to be jointly developed to full business case, and for further work to be undertaken as set out at section 4.

#### 2.0 BACKGROUND

- 2.1 The former North Yorkshire County Council's submission to government for the establishment of a unitary council set out a commitment to pilot double devolution and provide opportunities for town and parish councils and community groups that would like to manage services and assets on behalf of the new council. It stated that all instances of double devolution would need to have a solid business case and delivery plan and be cost neutral to the new council. It also stated that double devolution would be piloted in a small number of areas, and that it would be very unlikely that any transfer would take place before April 2024.

- 2.2 An invitation was sent in late November 2022 to all town and parish councils inviting them to submit expressions of interest by the end March 2023 if they would like to participate in the piloting of double devolution. Within the invitation (see Appendix 1) the outline timetable was set out as:

- Closing date for receipt of expressions of interest (EOI) – 31 March 2023.
- Evaluation of expressions of interest – summer 2023.
- North Yorkshire Council Executive decision on which EOIs (up to six) to develop to full business case – autumn 2023.
- Joint development of full business cases – autumn 2023 to spring 2024.
- Evaluation of full business cases – spring 2024 (on a case-by-case basis as they become ready for evaluation).
- North Yorkshire Council Executive decision on which full business cases to progress – spring 2024 (on a case-by-case basis as they become ready for a decision).
- Transfer date – very unlikely before April 2024 (on a case-by-case basis as they become ready for implementation).

- 2.3 The invitation also set out the process that would be followed and the required information that would be required to enable the expressions of interest to be evaluated.

#### 3.0 DOUBLE DEVOLUTION PILOTS – TOWN AND PARISH COUNCILS

- 3.1 Twelve expressions of interest were submitted by town and parish councils. These were varied in size and scope of the proposals and a brief overview of each submission is set out below:
- i. Malton – Management of the Malton Market Place public toilet facilities, including cleaning and maintenance.

- ii. Northallerton and Thirsk – Management of the markets in the towns of Northallerton and Thirsk, as a collaborative venture between two Town Councils.
- iii. Richmond – Management of The Friary Gardens.
- iv. Filey – Management of the public benches within the town of Filey.
- v. Knaresborough – Management of the markets and the storage facility and assets associated with managing the market (i.e. road closure signs/tables, etc).
- vi. Skipton – Management of Skipton Town Hall Car Park toilet block, the Ginnel Woods, the Canal Basin and Aireville Park.
- vii. Whitby – Provision and management of parks and grounds maintenance and floral displays excluding highways verges including Pannett Park, the plant and equipment, including depot space associated with these services, Beach management services including letting of the seasonal beach huts and the retail concessions on the esplanade.
- viii. Settle – Management of Commercial Street Play Area, Cenotaph Grounds and Ashfield and Whitefriars Public Conveniences.
- ix. Stokesley – Management of all off-street parking in Stokesley.
- x. Little Ouseburn – Management of the grass cutting of the green area outside Broomfield Cottages.
- xi. Selby – Management of Play areas, flower beds, former Walkers Bingo Hall, any green space, Selby Park, Market Place, Portholme Road Playing field, car parks and Cuncliffe and Coultish community centres.
- xii. Ripon – Management of Ripon Town Hall, Market Place and Car Park, public toilets within the city and Wakeman’s House (listed building).

3.2 An Evaluation Board was established, chaired by the Assistant Chief Executive – Local Engagement and comprising of representatives from:

- Finance
- Legal
- Property Services
- Relevant service areas

3.3 The Evaluation Board considered all of the expressions of interest against the criteria that had been set as part of the project and that were set out in the original invitation to bid. The Expression of Interest criteria are set out below:

- i. A formal commitment by the town or parish council (at full council)
- ii. The town or parish council having the legal competence (powers) to deliver the service or manage the asset.
- iii. The likelihood that the expression of interest will result in a solid business case and delivery plan.
- iv. The likelihood that the town or parish council will (if necessary, with reasonable initial help) have the ability to deliver the service or manage the asset effectively and safely.
- v. The likelihood that the transfer will be cost neutral to the new council.
- vi. The likelihood that the transfer will not have a negative impact on the council’s strategic objectives or service delivery.
- vii. The likelihood that the transfer will have a positive benefit for the local community.
- viii. The aim to have a range of pilots across different services and geographical areas.

3.4 **Outcome of the Evaluation Board:**

Three councils did not meet criteria 1, 2 or 5 and are therefore not recommended to go through to full business case:

- Settle Town Council did not evidence legal competence (power). Recommendation from evaluation board is to provide feedback and invite resubmission.

- Little Ouseburn Parish Council did not evidence legal competence (power). Recommendation from evaluation board is to recommend an alternative delivery route as small request that does not require a full business case – discussion with service.
- Stokesley Town Council did not evidence that the proposal would be cost neutral to the new council.

3.5 Five Expressions of Interest are recommended to move forward to full business case:

- Malton
- Northallerton and Thirsk
- Richmond
- Filey
- Knaresborough

3.6 Two Expressions of Interest are recommended to move forward to full business case with amendments:

- Skipton – removal of the management of Aireville Park from the bid as the park has Craven Leisure and the associated car park situated within it. The car park is used both by Craven Leisure and park users.
- Whitby – removal of the beach management and letting of seasonal beach huts and retail concessions on the esplanade as these would not be cost neutral to the new council and could have a negative impact on the council's strategic objects or service delivery.

3.7 Two Expressions of Interest that were considered, submitted by Ripon Town Council and Selby Town Council; were both ambitious and multi-faceted, with a number of service areas involved in the evaluation of their expressions of interest.

- Selby – Management of Play areas, flower beds, former Walkers Bingo Hall, any green space, Selby Park, Market Place, Portholme Road Playing field, car parks and Cuncliffe and Coultish community centres.
- Ripon – Management of Ripon Town Hall, Market Place and Car Park, public toilets within the city and Wakeman's House (listed building).

3.8 Whilst the bids were considered to be showing the level of ambition for their areas that was originally envisaged for the double devolution project, they highlighted that the evaluation criteria was not sophisticated enough to manage a wide range of services within its scoring mechanisms. It is therefore proposed by the evaluation board that individual project teams are set up to work with Ripon City Council and Selby Town Council to bring forward double devolution proposals to be considered by the Executive in these two areas recognising that these may require more support.

#### **4.0 NEXT STEPS**

4.1 That each Town and Parish Council that submitted an expression of interest is written to detailing the decision and the next steps.

4.2 That the double devolution project team continues to meet and supports the selected Town and Parish councils to jointly develop full business cases including:

- Providing reasonable time and skills of North Yorkshire Council officers
- Providing a template business case (acknowledging the size and depth of each business case will need to be proportional to the size and risk of the relevant service or asset that are being proposed for transfer)
- Providing relevant information including budget/staffing that is currently spent on delivering or maintaining the relevant service or asset
- Providing information and guidance in relation to any potential TUPE implications

4.3 Following the development of the full business case the relevant town or parish council will be asked whether it wishes to proceed with the proposed transfer. If the town or parish

council wishes to proceed with the proposed transfer the full business case will be evaluated by North Yorkshire Council using a similar process that was used for the evaluation of the expressions of interest.

4.4 The decision on which full business cases will be implemented will be made by the Executive, following consultation with the relevant Area Committee. Those decisions will be made as and when the full business cases have been developed rather than all full business cases being considered at one meeting of the Executive. Consultation with Management Board will take place prior to the report going to the Executive.

4.5 Once a decision on the full business case is taken, all applicants will be notified in writing and steps will be taken by officers of North Yorkshire Council and the relevant town or parish council to implement the agreed transfers.

## **5.0 FURTHER INVITATIONS TO SUBMIT EXPRESSIONS OF INTEREST**

5.1 The initial project brief envisaged that a decision would not be taken by the Executive about issuing of further invitations to community groups and to town and parish councils until all of the full business cases had been considered by the Executive.

5.2 However further enquiries have been received by town and parish councils as to whether they can submit an expression of interest outside of the current process.

5.3 The project team will be undertaking a lessons learned process and will be bringing forward recommendations on how the double devolution pilot should be taken forward. The project team would like to bring this report forward in January 2024 and it is recommended that no further expressions of interest are accepted until this exercise and report is considered.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 The Expressions of Interest evaluation included 'the likelihood that the transfer will be cost neutral to the new council'. The full business case will determine the full costs involved and would be evaluated by North Yorkshire Council and final decisions would be made by the Executive, following consultation with the relevant Area Committee. A finance representative will remain part of the project team.

## **7.0 LEGAL IMPLICATIONS**

7.1 The Expressions of Interest evaluation included 'the town or parish council having the legal competence (powers) to deliver the service or manage the asset.' A legal representative will remain part of the project team.

## **8.0 EQUALITIES IMPLICATIONS**

8.1 An equalities impact screening form has been completed and is included in the report as Appendix 2.

8.2 There are no significant issues raised.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 A climate change impact assessment screening form has been completed and is included in the report as Appendix 3.

9.2 There are no significant issues raised.

## 10.0 REASONS FOR RECOMMENDATIONS

10.1 For the reasons set out in the body of this report and in the appendices, the recommendations set out below are proposed to the Executive.

## 11.0 RECOMMENDATIONS

11.1 It is recommended that the Executive:

- i. Note the progress of the double devolution project and the outcome of the invitation to bid by town and parish councils.
- ii. Agree the recommendations set out in section 3 of the report as to the outcome of the double devolution evaluation panel:
  - a. That Settle Town Council, Little Ouseburn Parish Council and Stokesley Town Council are not invited to full business case.
  - b. That Malton Town Council, Northallerton and Thirsk Town Councils, Richmond Town Council, Filey Town Council and Knaresborough Town Councils are invited to move forward to full business case.
  - c. That Skipton Town Council and Whitby Town Council are recommended to move forward to full business case but with amendments to their Expression of Interest proposals.
  - d. That separate project teams are established to work with Ripon Town Council and Selby Town Council to bring forward their double devolution proposals in acknowledgement of the ambition and complexity of the expressions of interest.
- iii. Agree the next steps as set out in section 4.
- iv. Agree that the approach to further invitations to submit expressions of interest will be agreed as part of a further report to the Executive in January 2024 as set out in section 5.

### **Report Author:**

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Appendix 1 – Original invitation to bid

Appendix 2 – Equality Impact Assessment screening

Appendix 3 – Climate Change Impact Assessment screening

Appendix 4 – Data Protection Impact Assessment