

North Yorkshire Council

Standards and Governance Committee

Minutes of the meeting held on 13th December 2023 commencing at 2.00 pm.

Councillor Clive Pearson (Chair), Councillors Nick Brown, Melanie Davis, David Ireton, Nigel Knapton, Monika Slater, Andy Solloway and Peter Wilkinson; together with, Louise Holroyd and Roy Martin (Independent Persons for Standards).

Attending remotely – Councillors Sam Cross and Heather Phillips; together with Gillian Baker (Independent Person for Standards).

Officers present: Steve Loach (Democratic Services); Elizabeth Jackson (Democratic Services Manager); Ben Nattress (Elections Manager); Jennifer Norton, (Assistant Director Legal); Kerry Russett (Head of Electoral Services).

Apologies: Hilary Gilbertson; James (Jamie) Nelson and Richinda Taylor (Independent Persons for Standards)

Copies of all documents considered are in the Minute Book

29. Minutes of the Meeting held on 15th September 2023

Resolved -

An amended version of the minutes of the meeting held on 15th September 2023 was circulated at the meeting as those provided with the papers for the meeting were a draft version. The amended minutes were confirmed and signed as an accurate record.

30. Declarations of Interest

Councillor Nick Brown declared a registered interest in relation to the agenda items “North Yorkshire Polling District and Polling Place Review Final Proposals” and “A decision whether to proceed with a Community Governance Review of Dishforth Parish” as the Divisional Councillor that covers Dishforth.

31. Public Questions or Statements

There was a public question/statement from Cllr Anne Sturzaker of Dishforth Parish Council in relation to the item on the agenda determining whether to proceed with a Community Governance Review of Dishforth Parish. It was agreed that her

question/statement would be best delivered to the Committee at the time when the item was considered.

32. North Yorkshire Polling District and Polling Place Review Final Proposals

Considered –

The report of the Assistant Chief Executive (Legal and Democratic Services) requesting the Committee to approve the final recommendations for polling districts and polling places within the North Yorkshire Council area.

The Head of Electoral Services and the Electoral Services Manager presented the report, highlighting the following:-

- Local authorities are required to review their polling districts and polling places for UK parliamentary constituencies at least once every five years and this would be the first such review for North Yorkshire Council.
- This was considered to be the most appropriate opportunity to review given the forthcoming major elections in 2024.
- Details of the legislative requirements relating to the review were set out in the report, together with details of what was required to be reviewed.
- The review was undertaken in line with the relevant guidance and this was reflected in the report's recommendations.
- The review commenced in October with a proposed structure which was then subjected to a one-month consultation period.
- Following the responses to the initial consultation, a revised document was produced and subject to further consultation.
- It was noted that the Polling Districts were in danger of failing without the structural requirements in place, which would create issues for the forthcoming elections.
- A subsequent review could be undertaken at anytime, should that be necessary, as there was no compulsion for the structure to remain for the 5-years period, and the forthcoming national boundary review may necessitate that.
- Details of the proposals were included in the report and included around 20 recommended changes to polling places and boundary changes to around 50 polling districts.
- A summary of the changes had been sent out to all stakeholders and had generated 135 responses. This in turn had resulted in a number of other changes where these were considered to be appropriate. All the relevant details were provided in the report.

The following issues were raised in relation to the report:-

- A Member had written to Officers raising concerns regarding the proposed closure of a polling station in her division. It was noted that the closure of polling stations was not a decision for the Committee, as this had been delegated to the Assistant Chief Executive (Legal and Democratic Services), therefore these concerns would be referred to him and the Member would be advised accordingly.
- A Member noted that the arrangements for Sowerby saw both polling areas sharing the Sowerby Scout hut until another venue could be identified and he asked whether the venue would be in place soon. In response it was stated

that the current arrangements would be in place for the foreseeable future as attempts had been made to obtain a suitable venue, but these had not come to fruition. Further enquiries would be made.

- A Member referred to the arrangements for Houghton in Ribblesdale and Ingleton, highlighting how the shared polling station arrangements benefited those communities.
- Concern was expressed in relation to the suggested relocation of the polling station for Bishop Monkton, and it was asked why Topcliffe Village Hall had not been considered. In response it was stated that the Topcliffe venue was in a different Parliamentary Constituency, therefore, two sets of polling station staff would be required. The Member who raised the concerns suggested that this option was preferable to people have to travel long distances to the polling station suggested in the report and asked that further consideration be given to this matter. He also noted the change of the polling station arrangements for Roecliffe and Mowbray Place and suggested that those arrangements be re-examined. It was stated that decisions in relation to polling stations had been delegated to the Assistant Chief Executive (Legal and Democratic Services), therefore these issues could be raised and discussed with him.
- A Member asked whether proposals for large scale housing developments were taken account of within the review processes for these electoral issues. It was stated that this and numerous other issues were taken account of when the reviews took place. It was also stated that the results of a country-wide review of constituency boundaries was due shortly, which would have a knock-on effect for polling districts, therefore, a further review would be required.
- Should there be a substantial housing development in a specific location that made a significant difference to the population, consideration would be given to the development of an additional polling district.
- Clarification was provided in relation to the differences between polling places and polling stations. It was also clarified that the Committee was able to determine polling districts but not places or stations as the decision on these was delegated to the Assistant Chief Executive (Legal and Democratic Services), however, the Committee could express their views on these and alterations to the recommendation were required to reflect that position.

Resolved –

That the final recommendations for polling districts, as shown in Appendix C to the report be approved, and any comments on designated polling places be submitted to the Assistant Chief Executive (Legal and Democratic Services).

This was approved unanimously

33. Schedule of election fees for elections and by-elections in North Yorkshire

Considered –

The report of the Assistant Chief Executive (Legal and Democratic Services) requesting the Committee to approve a schedule of election fees to be paid at future scheduled elections and unscheduled by-elections in North Yorkshire.

The fees set out in Appendix A to the report were recommended for approval and were based on written guidance received from the Election Claims Unit on indicative fees for elections. The recommended fees were based on adopting the interim fees already approved on a permanent basis where those fees sit within the newly published pay bands. Reference to, "out of hours" related to hours worked on Saturdays and in the evening, while any hours worked on Sundays or bank holidays would be paid at double the day rate, as covered in the guidance document, Appendix B to the report.

It was further recommended that when the Election Claims Unit published updates to its indicative fees in future years, the North Yorkshire fee schedule was automatically updated in line with it e.g. if the pay bands were to be uplifted for 2024/25, the North Yorkshire fees would have the same uplift applied.

The following issues were raised in relation to the report: -

- A Member stated his surprise at the significant reduction of hourly payment for Clerical Support Supervisors, noting that there was little difference between these positions and those of Clerical Support in terms of pay. In response it was stated that the initial levels set had been what was considered to be appropriate but subsequent guidance had indicated the levels recommended in the report. It was stated that, should the guidance not be followed, there was a risk that reimbursement from the Government for elections may not fully match what had been paid out.
- It was asked what would be the approximate cost for a Parish Council to hold an election. In response it was stated that the cost would vary, dependent upon size, however, the cost to the smallest of Parish Councils would be around £2000, with costs rising as the size of the Council increased.
- It was noted that the rates of pay had not been agreed with the unions as the payment was made by the Returning Officer, not the Council, with elections staff not considered to be Council staff.
- A Member asked whether the bill sent to Parish Councils for elections could be provided prior to, or held off until, they were setting their precept, as a large bill could cause financial difficulties for Parish Councils if it had not been accounted for. In response it was stated that currently such an arrangement was not in place, however, it was suggested that this could be considered for the future should Members request that. Members suggested that consideration be given to developing an appropriate policy in relation to this, and officers agreed to consider this and bring back to a subsequent meeting. It was emphasised that should any Parish Council find themselves in financial difficulty due to the requirement to hold an election the issue should be discussed with North Yorkshire Council to manage a way forward. It was clarified that, ultimately, the public paid for elections through Council Tax and Parish Council precepts, and care had to be taken in terms of ensuring that these were organised appropriately. A Member noted that on many occasions there insufficient nominations received for Parish Council elections to be held and the Parish Council would use a co-option process to fill vacancies.

Resolved -

- (i) that the recommended fee schedule, shown Appendix A to the report, be used by the Returning Officer for the purposes of employing staff to work at elections taking place in North Yorkshire.

- (ii) that this fee schedule be amended in line with amendments made to the national indicative fee schedule in future years.

This was approved unanimously

34. Temporary Appointments to Aldbrough St. John Parish Council

Considered –

The report of the Assistant Chief Executive (Legal and Democratic Services) informing the Committee of the situation of Aldbrough St. John Parish Council and to seeking approval to invoke the power to temporarily appoint named persons to sit on the Parish Council.

Aldbrough St. John Parish Council comprises of 5 seats and requires a minimum of 3 seats to be filled to be considered quorate. Following resignations of the 3 remaining councillors, the casual vacancy procedures were followed, and following expiration of the notices, the Council was notified that the Parish Council was inquorate.

As the Parish Council was now no longer quorate, it could not meet or conduct any business. The only option left was to invoke the power to make appointments so that business could continue. Once appointed, the parish would be quorate and the vacant seats could be filled via co-option. A number of parishioners had expressed an interest in being co-opted to the Council and had also agreed to be appointed on a temporary basis.

Once the vacant seats had been filled, any appointee can then resign from the Parish Council if they wish to do so.

It was noted that the recommendation within the report sought to co-opt to the five vacant seats on the Parish Council, however, as a quorum was only required on a temporary basis to undertake a co-option process, there was no reason to undertake the co-option as outlined, and it was suggested that the recommendation be changed to co-opt Division member for North Richmondshire – Angus Thompson, Mr Mike Banks and Mr Stephen Baddon, with Mr Stuart Reed and Ms Kirstie Thornton removed.

The following issues were raised in relation to the report: -

- Noting the nominated appointees highlighted in the recommendation a Member suggested that Ms Kirstie Thornton should be retained on the initial co-option list to maintain a balance of representation. In response it was stated that the representatives taken forward to the amended recommendation were provided in the order they had volunteered, and, as this process was only required to have a quorum to co-opt to the Parish Council, there was no requirement for this position to be changed.
- A discussion of the process raised questions in relation to the need for the co-option procedure to take place as there appeared to be sufficient volunteers for the Parish Council to be formed. In response it was clarified that the report before Members provided an opportunity to grant a Temporary Order allowing the Parish Council to become quorate for the purpose of carrying out a co-

option process only. Those involved were aware of this process and, once the co-option had taken place they could resign their positions.

Resolved –

- (i) That it be delegated to the Assistant Chief Executive (Legal and Democratic Services) to determine the first two parish representatives to put their selves forward to be temporarily appointed to form a quorum
- (ii) that the two representatives identified through (i) above, alongside Division member for North Richmondshire – Angus Thompson, be appointed by the Council under Section 91 (1) of the Local Government Act 1972 to Aldbrough St John (Richmondshire) Parish Council in order to make it quorate, unless or until either sufficient vacancies on Aldbrough St John Parish Council have been filled by way of co-option or election so that the Parish Council is able to act lawfully, or the Order made under Section 91 (1) is revoked.
- (iii) that the Assistant Chief Executive Legal and Democratic Services be authorised to make the required order as attached at Appendix A to the report.

Voting on this item was as follows:-

7 for
1 abstention

35. Temporary Appointment to Irton Parish Council

Considered –

The report of the Assistant Chief Executive (Legal and Democratic Services) informing the Committee of the situation of Irton Parish Council and to seek approval to invoke the power to temporarily appoint a North Yorkshire Council division member to sit on the Parish Council.

Irton Parish Council comprises of 5 seats and required a minimum of 3 seats to be filled to be considered quorate. Following 2 resignations, the casual vacancy procedures were followed, and the Parish Council were advised on 12 October 2023 that they could proceed to fill the vacant seats via co-option. On 30 October 2023, a further resignation from Irton Parish Council left only 2 remaining councillors.

As the Parish Council was no longer quorate, the council could not meet or conduct any business. The only option left was to invoke the power to make an appointment so that business could continue. Once appointed, the parish would be quorate and the vacant seats could be filled via co-option. Officers understood that there was interest within the parish from parishioners who wished to sit on the Council.

Once the vacant seats had been filled, any appointee could then resign from the Parish Council if they wished to do so.

Clarification was provided in relation to further, subsequent, resignations from the Parish Council, following this process. It was noted that the Parish Councillors could request an election to elect further resignations or could undertake a co-option process prior to their resignation, to ensure continuity.

Resolved –

- (i) That the Council appoints the division member for Seamer, Councillor Heather Phillips, under Section 91 (1) of the Local Government Act 1972 to Irton Parish Council in order to make it quorate, unless or until either sufficient vacancies on Irton Parish Council have been filled by way of co-option or election so that the Parish Council is able to act lawfully, or the Order made under Section 91 (1) is revoked.
- (ii) That the Assistant Chief Executive Legal and Democratic Services be authorised to make the required order as attached at Appendix A to the report.

This was approved unanimously

36. Decision on whether to proceed with a Community Governance Review of Dishforth Parish

Considered –

The report of the Assistant Chief Executive (Legal and Democratic Services) requesting Members to:-

To consider a request from Dishforth Parish Council for a community governance review to increase the number of parish councillors on the parish council. If the Committee support the request of the parish council for a community governance review, to make recommendation to Council that the draft Terms of Reference (Appendix 1) be approved.

Councillor Anne Sturzaker of Dishforth Parish Council addressed the Committee requesting a Community Governance Review (CGR) to increase the number of seats for parish councillors on the Parish Council. She highlighted the increase in parishioners due to new developments in the area and suggested that having only 5 councillors put pressure on the Council which, at times, could see the Council inquorate as had happened on a number of occasions recently. Cllr Sturzaker suggested an increase to either 7 or 8 councillors to overcome this issue.

At a meeting of this Committee in September 2023 a protocol was approved which set out how the Council would respond to such requests for community governance reviews in the period from now until the conclusion of the Local Government Boundary Commission for England's (LGBCE) review of division boundaries for the county, expected to conclude in mid-2025. Following the LGBCE review it was intended to undertake a whole-county CGR. Where requests are received before mid-2025 a decision would need to be taken as to whether they were to be treated as urgent.

At that meeting the Committee agreed to delegate authority to the Assistant Chief Executive (Legal and Democratic Services) in consultation with the Executive Member for Corporate Services to determine if requests for CGRs should be treated as urgent. At a meeting held in November 2023 to consider such requests it was agreed that the request from Dishforth Parish Council could be treated as urgent and brought forward to the Standards and Governance Committee.

Appendix 1 to the report outlined the draft Terms of Reference for a review of Dishforth parish, setting out the issues to be considered, how a review would be undertaken and a proposed timetable for a review.

The Divisional Member, also a Member of the Committee, outlined his support for the review.

It was stated that should the Committee resolve to support the request from Dishforth Parish Council for a Community Governance Review it would need to make recommendation to Council that the Terms of Reference at Appendix 1 be approved, at which point the CGR would formally commence.

Resolved –

That the Committee supports the request from Dishforth Parish Council for a Community Governance Review and make recommendation to Council that the draft Terms of Reference for a Community Governance Review of Dishforth parish, as attached at Appendix 1 to the report, be approved.

This was approved unanimously

The meeting concluded at 3.25pm