

Council

Minutes of Proceedings

At the **Extra-Ordinary Meeting of the District Council of Ryedale** held **Virtually** on **Monday 2 November 2020**

Present

Councillors Joy Andrews, Paul Andrews, Arnold, Bailey, Brackstone, Burr MBE, Clark, Cleary (Chairman), Cussons MBE, Docwra, Duncan, Frank, Garbutt Moore (Vice-Chairman), Goodrick, Graham, Hope, King, Mason, Middleton, Oxley, Potter, Raper, Riby, Thackray, Wass and Windress

In Attendance

Will Baines, Stacey Burlet, Christine Phillipson, Margaret Wallace and Louise Wood.
David Kitson - Monitoring Officer.

Minutes

14 Apologies for absence

Apologies were received from Cllr Delaney, Cllr Keal, Cllr MacKenzie and Cllr Raine.

15 Declarations of Interest

There were no declarations of interest.

16 Questions on Requisition

From Councillor Wass – Question 1

“Who made the decision that the mega Council was not appropriate for the people of Ryedale? And on what evidence?”

The Leader replied:

“Thank you Councillor Wass for your question. In anticipation of the government's letter, inviting proposals to reorganise, North Yorkshire, seven districts and borough councils jointly commissioned KPMG to assess a range of options in an objective and fair way. The case for change concluded that the east and west model performs more strongly than any other. With the so-called mega council option failing in terms of service delivery and democratic accountability and financial sustainability. Full details of the analysis can be found in the case of change document.

A decision by Ryedale District Council members on whether or not to support the submission of the east and west model included in the case for change will take place at this week's extraordinary meeting of all Council.

Supporting submission of east and west to government does not necessarily equate to support for this proposal or rejection of any other. Formally, it means that this council believes that east and west should be submitted to government for consideration.

While I am a supporter of unitary local government in principle, I remain certainly opposed to reorganisation at this uncertain and worrying time for our residents. This view is shared by the other six districts and borough leaders. Sadly, the County Council appears determined to submit its mega council proposal on Wednesday. If that happens, I feel this Council has no option but to respond by submitting the east and west proposal to the Secretary of State. This will allow him to consider two proposals, each with their respective strengths and weaknesses, for making any decision. Ultimately, it is his decision, but we can help influence and shape the outcome in the best interests of Ryedale residents”

Councillor Wass then asked a supplementary question:

“Where does it actually mention though, in the report, you know, the words, 'mega council', I've looked through the record, and I can see where that phrase is used, or is being commissioned in its wording. It's a weighted phrase, if you like the word 'mega council', which are making or leading us to think in a certain way. So, I just want to know where that phrase has come from, because as I say, it's not mentioned in any of the reports.”

The Leader then replied:

“Thank you, Councillor Wass, for your supplementary question. I think the simple answer very much is 620,000 people, 8000 square kilometres. This would be the biggest local authority ever created in England. And if this isn't a mega council, then there is no mega council anywhere else in the country. This would be something unlike local government that exists anywhere else in the country”.

From Councillor Brackstone – Question 2

“In the above decision, who had the competency to decide on i), children and young people services?”

The Leader replied:

“Thank you, Councillor Brackstone for your question. My answer is that Ryedale district council has not yet made a decision.

However, in preparing the case for change, KPMG utilised experts in these fields to contribute to the overall findings of the study. Further details of the team members experience can be found in 4.7 Chief Executives briefing note, which has been circulated to all members via email, and this is the answer to the further subsections of this question in terms of Children's Services, Health and Adult Services, Public Health and Education.”

Councillor Brackstone then asked a supplementary question:

“According to the report, North Yorkshire County Council is outstanding in Children and Young People Services, yet York Council needs improvement. So, on this basis, why have we decided to basically cut the North Yorkshire Children and Young People services in half? Why not just carry on with the North Yorkshire County Council services being outstanding on its own?”

The Leader then replied:

“Thank you, Councillor Brackstone for your question. A key part of the study which KPMG have done is to look at all options and to look at the whole footprint. And that means not just North Yorkshire, but City of York as well. And the purpose of the study is to look at how best to deliver services to all 800,000 residents across that footprint. And that means that in certain areas, North Yorkshire has best practice examples of strength. In others, it's weaker. The City of York, there's examples of strength in some areas, but in other areas of delivery, they are weaker. The advantage, I think of the approach that KPMG have taken is that the whole patch has been looked at and what can benefit all residents across that geography. Meaning that we can share best practice, we can share expertise to ensure that everybody has access, not just to the good services, not just to mediocre services but really excellent, truly excellent services into the future. And that includes Children's Services.”

From Councillor Clark – Question 3

“How does the breaking up of North Yorkshire Public Health Department help in the current campaign against COVID-19?”

The Leader replied:

“Thank you, Councillor Clark, for your question. As I've already stated, I'm totally opposed to reorganisation at this uncertain and worrying time when the focus of all authority should be responding to COVID-19 and supporting residents in need of help as we enter a second nationwide lockdown. My hope is that the County Council decides ultimately not to submit the mega council proposal on Wednesday. But if it is submitted, I feel this council is left with no option, but to respond by submitting the east and west proposal. If the County Council does submit its proposal, it will be that authority, which is ultimately responsible for the consequences of triggering reorganisation at this critically important and critically sensitive time. While I am gravely concerned about the short-term implications of the reorganisation process, and the potential disruption and distraction that this will cause, there is potential in the longer-term, I believe to strengthen the response to public health emergencies, such as COVID-19 by building on current excellence. Not just in North Yorkshire, but in the City of York too. The east and west model has the potential to accelerate partnership working and full expertise to help more effectively manage emergencies into the future. Instead of breaking up departments as Councillor

Clark calls it, we have a chance to promote much closer working than ever before.”

Councillor Clark then asked a supplementary question:

“So, we're going to break something up and not know what we're putting in each place. When what we've got for public health appears to be working incredibly well. Can you give us the logic behind doing that?”

The Leader then replied:

“Thank you, Councillor Clark, for your question. As I think I've made very clear. I'm opposed to reorganisation at this time when we are facing up to the COVID-19 emergency situation. As I've also made it very clear, we are not breaking up services. Actually, there is an opportunity here to have closer working, joint working partnership working than ever before across North Yorkshire and York by using the expertise which we have across both public health departments. That is not breaking up services that is actually making them stronger by working together more united into the future.”

From Councillor Clark – Question 4

“Can we have copies of the tendering process?”

- i) How many organisations bid?*
- ii) What was their expertise in CYPS, HAS, Public Health, Education?”*

The Leader replied:

“In answer to a Councillor Clark's question. Thank you, Councillor Clark. The appointment of KPMG was handled on behalf of the seven district and borough councils by Scarborough Borough Council. Given the short timeframe involved SPC used a procurement framework to appoint KPMG. Further details of the tendering process are available in 4.3 at the Chief Executive briefing not, which has been circulated to all members by e-mail.”

From Councillor Wass – Question 5

“Can we please have a copy of the terms of references and timescales including the deadlines given to KPMG?”

The Leader replied:

“Thank you, Councillor Wass for your question. A copy of this is included in the Chief Executive briefing note that's been circulated to all members by email.”

Councillor Wass then asked a supplementary question:

“I'm just a bit perturbed that we're getting everything at the last minute. And as part of the tendering process, whether or not it's over £25,000. Collectively it is and there is a four-week window in terms of which members should have been alerted to what was going on in terms of this process. It's taxpayer's money

that's being used. And at the end of the day, really, you know, to get all this information at the last minute, where we haven't had a chance to read anything to do with this. If that's been included in the Chief Executive's email today, I don't know, but it's not really adequate to give us an informed and professional opinion where we can reflect and maybe not need to ask certain questions like this."

The Leader then replied:

"You mentioned there Councillor Wass about information. There was a very comprehensive briefing held by the Chief Executive on the 23rd of July, which was discussing the procurement process and the appointment of KPMG. Unfortunately, no representative of the Liberal Group, I believe was present for that briefing.

Also the questions which you are now asking, a few days before the full council meeting where we're going to make the most important decision over this Council has ever made were answered, they were answered at that briefing session.

And also, as I hope you can imagine, today is Monday. And we are meeting again on Thursday. So, there is actually several days in which all members of the Council, yourself included, are able to look at this information. And I would like to extend to all members of the Council yourself, including Councillor Wass that anybody who has any questions that they wish to ask and that need clarity on, I'm happy to answer those questions. If members contact me, I haven't had any contact so far from the liberal group outside of this meeting forum. But I am happy, for any member of the Council to ask me questions and I will endeavor to do all that I can to answer them. And I also know that the Chief Executive is available and willing to share all information with members to help them make any decision that they need to on Thursday, at the extraordinary meeting."

From Councillor J Andrews – Question 6

"Can we please have copies of communications with NYCC that enables our leader to decide that our Council would not support the NYCC proposal?."

The Leader replied:

"Thank you, Councillor Andrews, for your question. No decision has been taken for or by this Council. The Council's position will be determined this Thursday at the extraordinary meeting. However, the objective analysis contained within the case of change supports my personal view, the North Yorkshire and York model is not the optimal solution for local government in our county. I continue to believe that it would be wrong to subsume Ryedale is the largest council in England, with a population rivalled only by Birmingham and Leeds. I believe this proposal is wrong for our staff, for our businesses and for our residents. Covering 8000 square kilometres and stretching almost coast to coast, I fear this authority will be too largely effective and too remote to represent our

residents. My hope is that we can keep local government local in our county by backing in submitting an alternative to government.”

Councillor Andrews then asked a supplementary question:

“Haven't we got the communications between the leader Ryedale and North Yorkshire? Are there any communications?”

The Leader then replied:

“Councillor Andrews, KPMG met with the Chief Executive of the County Council and held a discussion with them on this piece of work. I was going to refer to this in the answer to the next question. Discussions were also held with the City of York Council which I will also refer to in a subsequent question, and they also did not wish to be part of the KPMG piece of work. They've done their own piece of work, which has now been published into the public domain.”

Councillor Clark then asked a supplementary question:

“If North Yorkshire, I'm going have to do your work for you Leader. If North Yorkshire have put in local delivery units like the KPMG report is suggesting, then that would have delivered would it not a similar picture? However, KPMG is not recommending local delivery units so, that Ryedale and local services for local people could be decide by local councils - it cannot. So, would not North Yorkshire have been able to have done that? And did you suggest that as an amendment to North Yorkshire?”

The Leader then replied:

“Mr. Chairman, I don't wish to avert the question. But I also don't wish people to get confused because the next question is about the amendments to the NYCC bid. Which I am happy to answer at the appropriate point in time, but I suppose for the moment all I would say is NYCC are responsible for their bid. I have no engagement from them and no contact with them.”

Councillor Clark then asked:

“I'm sorry Chair, I maybe didn't express my supplementary clearly. The KPMG report refers to local delivery units. But then doesn't put any local delivery unit into its report. How does that make it local?”

The Leader then replied:

“There is Councillor Clark, as you've referenced in the appendix, a proposal, which does I think, refer to almost the status quo situation, in the district and the borough councils as local delivery units. Is that what you are referring to?”

Councillor Clark the replied:

"I'm saying it refers in there when it's talking about a... got me thinking mega councils now. When you've got combined authorities, then you would need to or could have local delivery units. But North Yorkshire have had for many decades a local delivery unit, which meant that Ryedale area committee was in a position to decide Ryedale area decisions. This is not in the KPMG report. So, in your East-West solutions, there is no local delivery unit, why not?"

The Leader then replied:

"The KPMG report is in effect an options appraisal of 10 different options to look at the best geography for structuring local services, clearly between the East and West model and the North Yorkshire and York model being proposed by the County Council. Both of those new models have authority then which is significantly bigger than the existing boroughs and districts. I think there is an acceptance that both of those are going to have to have some form of area-based committees to make decisions such as planning and licensing.

That I believe... sorry, there is reference Councillor Clark within the proposal at KPMG within the case for change to a model for delivery and the decisions on a local basis. That is further work which needs to be elaborated upon on this model, and this has been proposed by KPMG. But in all of these circumstances and all of the proposals, there is going to have to be some form of area-based committees to be able to make those decisions."

From Councillor Brackstone – Question 7

"Has the North Yorkshire County Council proposal been scrutinised, by whom and when?"

The Leader replied:

"Sorry, Mr. Chairman, I believe I've answered the question in saying that the County Council proposal is the County Council's proposal. The content of that has been determined by the County Council. The scrutiny of that and amendments to it must be determined by the County Council. That is not a piece of work the District Council has been involved in the scrutiny of that is down to the County Council."

From Councillor Potter – Question 8

"What consultations have taken place the city of York Council and have we got the views on the Ryedale District Council proposals?"

The Leader replied:

"Thank you, Councillor Potter, for your question. The KPMG team did meet with the interim chief executive at City of York Council on August the 12th. The purpose of the meeting was to discuss the City of York Council's position on local government reorganisation, as well as to request information to inform the options appraisal. Unfortunately, no information was forthcoming from City of York Council.

The Leader of Scarborough Council discussed the KPMG work with the Leader of the City of York Council on August 20th. And also, the Chief Executive of Ryedale District Council met with the Chief Operating Officer of City of York Council today on November the 2nd.

What I can tell you is the City of York Council resolved, as a full council meeting on October 29th, to submit a bid to the Government to remain as a unitary on its current footprint. And not only that, but they also decided to join a strategic partnership with North Yorkshire County Council. This would leave York in the words of the government minister Simon Clarke who got the ball rolling on this process as a unitary of 'sub optimal' size. I think it is important just to make very clear, the government has given criteria which we must follow. And that criteria says that unitary authority should be between 300 and 600,000 people.

The County Council proposal supported by the City of York to create one authority, which is greater than the upper limit of 600,000, and to create another authority, which is 100,000 people smaller than the lower limit. The east and west proposal out of the two is the only proposal that complies with the government's criteria.

It's worth pointing out as well, that the Government may, should it still wish to decide, to accept a proposal for local government reform, even if one or more of the authorities impacted do not support it. Consent is not required.

It is highly unlikely that there's going to be a single proposal that all nine authorities are going to be happy with. I like to hope that there was, I really don't think that there's going to be. It is, however, worth noting that the majority of council leaders in York and North Yorkshire, seven out of the nine, support the east and west model, that is a model that has the greatest consensus amongst the nine local authorities."

Councillor Potter then asked a supplementary question:

"It's interesting to hear that consent is not required because it would appear that City of York Council don't particularly want to talk to us about setting up an east west setup. So, how can we draw any meaningful proposals with City of York Council, if we've not had any discussions with them about setting up an east west?"

The Leader then replied:

"Thank you Councillor Potter for your question. I don't know if I've been clear, but we have tried to have constructive conversations with City of York Council, who basically were not prepared to do that. We asked for information. And we were told, basically use the information that's in the public domain. There has not been a constructive dialogue with City of York Council. That's unfortunate. But there's nothing we can do about that. And as I stated very clearly City of York Council wish to remain as they are, and I believe the only reason for that

not to look to any alternatives is purely self-interest. Because there are issues that every council has, services which could be delivered better new ways of working, that could be brought in, but City of York Council has flatly and robustly refused to look at any proposal other than keeping City of York Council on its current footprint. I think that is a grave mistake. I don't think that provides best value to the taxpayer, to the residents of York, who I think can be really advantaged by the east and west proposal as well as residents of North Yorkshire, but we have tried, unfortunately, we have failed to engage the City of York Council. But we really did try. But unfortunately, that wasn't possible. "

From Councillor Clark – Question 9

"Who took the decision to spend £25,000 on KPMG? And how much was permitted before the tendering took place? "

The Leader replied:

"Thank you, Councillor Clark, for your question. Again, this is one that you would have the answers to if you'd have attended the briefing back in July, but I am happy to.

The decision to commission KPMG was taken jointly by the seven districts and borough authorities. Up to £25,000, was allocated by each authority to cover the cost of this research and preparation of a case for change. The decision was taken to ensure that members of all seven authorities were fully appraise the various options and able to respond if and when an invitation for proposals was received from the government. In the case of Ryedale District Council, the decision to spend £25,000 was made by the Chief Executive. Although within delegated spending limits, a formal decision notice was prepared given the absence of our meetings. This followed advice issued by the Monitoring Officer. A copy of this decision notice has been sent to all members by email. No spend was committed before the tendering took place. "

Councillor Clarke then asked a supplementary question:

"How do we know we'd need £25,000 then? Or is that just a number that came back to us? And if that is a number that came back to us, what is needed is £25,000. Is the rumour that KPMG cost £150,000. £150 times seven is £175,000. What's happened to the other £25,000?"

The Leader then replied:

"Thank you, Councillor Clark for your supplementary question. The Chief Executive allocated up to £25,000 to cover the preparation of a business case and an options appraisal by KPMG. It was a figure of up to £25,000. My understanding and I will be able to get clarity on this for you is that the KPMG report did not cost £25,000. But the figure and decisions taken by the Chief Executive was to allocate up to £25,000, if this was needed."

Councillor Clark then asked:

“So, what happened to the extra? Did we put in £25,000 or some other number?”

The Leader then replied:

“I think I made very clear and answered the question Mr. Chairman. The Chief Executive made the decision up to £25,000 for the preparation of a business case and options appraisal.”

Councillor Clark then asked:

“Sorry Chair, it's a simple question, how much did we put into the KPMG bid? “

The Leader then replied:

“I will be able to get clarity for you on that Councillor Clarke, but the decision was taken by the Chief Executive, to allocate up to £25,000.”

Councillor Clark then asked:

“I understood, that I was perfectly clear.”

The Leader then replied:

“£25,000 isn't spent.”

Councillor Clark then asked

“How much was spent?”

The Leader then replied:

“I will be able to get clarity on that and provided to you, Councillor Clarke.”

Councillor Clark then asked:

“In a written reply in the minutes please.”

The Leader then replied:

“I'm happy to provide a written answer.”

From Councillor Wass – Question 10

“Could we please have copies of the minutes of the North Yorkshire Leaders meetings from July to date.? “

The Leader replied:

“Thank you Councillor Wass for your question. Minutes of the informal meetings of local government York and North Yorkshire held on July 9th, August 27th, and October 9th, and minutes of a North Yorkshire Chief Executive meeting held on September 11th, have been sent to all members via email.”

Councillor Wass then asked a supplementary question:

“Thank you. Yes, I just get the feeling that we put these questions forward. And it's taken these questions to go to you in order to get a reaction. And I know, you know, we weren't there bless us in July. But there's been a lot happened since July. You've mentioned this evening, meetings in August, meetings in October. And yet it's come down to literally I presume today to get these emails. And I'm sure, you know, other counsellors, as well as the liberals have benefited from the questions that we've asked. And surely shouldn't it be up to you as Leader to produce in a professional and transparent way, what these meetings have entailed and why we need to be informed rather than as asking.”

The Leader then replied:

“Thank you Councillor Wass, I think it's also worth informing you that there wasn't just a briefing held in July. But there were subsequent briefings, which the Liberal Group also failed to attend. There was also several email briefings that have been circulated to all members, not only by the Chief Executive, but by myself as Leader. I've endeavoured to share as much information as I possibly can, with my fellow members. And I think I have done a good job of doing that. I am happy to collate all of that information that's been sent over the past six months or so. From the start of the first lockdown situation, to the resumption of the meetings and beyond, I'm happy to provide that information to you so that you can see exactly the scale of information that has been shared with members at key junctures on this journey towards the meeting happening on Thursday with a decision whether to submit or not in the business case.”

From Councillor Clark – Question 11

“Please list the public health benefits of breaking up the current public health arrangements to Ryedale.”

The Leader replied:

“Thank you Councillor Clark for your question. Question three, which you asked me earlier was how does the breaking of NYCC Public Health Department help in the current campaign against COVID-19? I feel, that I have adequately answered the question that you asked then. And I do believe that this question is, in effect, a duplicate of that question, my answer to question three stands. And I believe that I've answered that thoroughly and adequately.”

Councillor Clark then asked a supplementary question:

“Yes Chair. Does it ever occur to the Leader that the public out there ask basically the following question in relation to this, and previous ones? Why is

the Leader of council giving the general public his views rather than those of the Council?"

The Leader then replied:

"Thank you, Councillor Clark for your question, which I'll be honest with you, I'm struggling to understand. You've come to full Council and called an extraordinary meeting to ask me a series of questions of myself as Leader of the Council. I'm endeavouring to answer those questions to the best of my ability. Some of the answers to the questions are in the KPMG report, which you have had time to read and it's publicly available. Some of the questions that you have asked, do relate to my own opinions. And I am allowed Councillor Clark, and I hope all members support me in this, I am allowed to have opinions, like every other member of the Council is entitled to have opinions and to express them at full council meetings. And you've asked me the questions and I've done my best to answer them as thoroughly and as comprehensively as I can."

There being no other items of business the meeting closed at 8.15pm.