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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>FULL COUNCIL</b>
<b>DATE:</b>	<b>15 APRIL 2021</b>
<b>REPORT OF THE:</b>	<b>HEAD OF COMMUNICATIONS, TECHNOLOGIES &amp; BUSINESS TRANSFORMATION LOUISE WOOD</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL GOVERNMENT REORGANISATION – CONSULTATION RESPONSE</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To seek a decision from Council on whether/how it wishes to respond to the Secretary of State's Consultation on Local Government Review proposals.

### **2.0 RECOMMENDATION(S)**

- 2.1 It is recommended that:

- (i) Council notes that the Secretary of State has invited a response from Ryedale District Council on the proposals it has received for local government reorganisation in the North Yorkshire area.
- (ii) Council decides whether to:
  - a) Respond to the consultation questions in relation to the North Yorkshire County Council proposal, and/or
  - b) Respond to the consultation questions in relation to the East & West proposal
  - c) Respond to neither as a Council (this would not prevent individual Elected Members, or political groups, responding in their own right)
- (iii) If Council decides to put forward a consultation response to one or both of the proposals as a Council, that it determines the content of that response a timely way, in order that the response may be submitted by the consultation deadline of 19 April 2021.

### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 The Secretary of State has formally invited Ryedale District Council to respond to his consultation on the two proposed models of local government reorganisation for North Yorkshire.
- 3.2 Responding to the Secretary of State's consultation is not a requirement (it is an invitation, not an obligation). However the Council has received legal advice that Elected Members should make a decision formally on whether or not the Council will, or will not, make a consultation response as a Council.
- 3.3 The Secretary of State has allowed until 19 April 2021 for responses to the consultations, after which he will make his "minded-to" decision on how to proceed. Should Council wish to respond to the consultation as a Council, the response will need to be provided by this deadline.

### **4.0 SIGNIFICANT RISKS**

- 4.1 If Council does not make a decision on whether or not to respond to the Secretary of State's consultation, there is a risk that this will be queried later by members of the public.
- 4.2 Should Council decide to provide a consultation response as a Council, it will need to determine the content of that response at the Council meeting on 15 April 2021. If it does not do so, there is a risk that a response that represents the democratically-decided view of the Full Council will not be able to be submitted by the Secretary of State's deadline of 19 April 2021.

### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 On 9 October 2020, the Secretary of State invited the councils in North Yorkshire to submit proposals for unitary local government. The invitations were for proposals for a single tier of local government, and could be submitted by a council individually, or jointly with other councils receiving the invitation. The invitation required outline proposals to be submitted by 9 November 2020, and, if a full proposal had not been submitted by that date, it required that it be submitted as soon as practicable thereafter and no later than 9 December 2020.
- 5.2 At an Extraordinary Meeting of Council on 4 November, in response to the Secretary of State's invitation, this Council resolved to submit the Case for Change by 9 November. The Case for Change was an outline proposal to create a two unitary model of local government reorganisation on East & West lines. Council also resolved that the Chief Executive be authorised to finalize the Case for Change, and submit the final proposal to MHCLG to comply with the deadline of 9 December 2021.
- 5.3 At the Extraordinary Meeting, Council members were advised that North Yorkshire County Council had prepared a proposal to merge the county council with the seven district and borough councils, with City of York Council remaining as a separate unitary council.

- 5.4 Before implementing a proposal for reorganisation, the Secretary of State is required to consult any local authority that is affected by the proposal (but which has not submitted it), and any such other persons as he considers appropriate. A copy of the full list of consultees which the Secretary of State has contacted is available at Appendix C.
- 5.5 On 23 February 2021, members were advised by the Chief Executive Officer that the Secretary of State was commencing formal consultation, and was therefore seeking the views on the two proposals for North Yorkshire that had been submitted in response to his invitation, namely:
- The East & West proposal submitted by Craven District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council and Selby District Council
  - The proposal submitted by North Yorkshire County Council
- A copy of the Ministerial statement of 22 February is at Appendix B.
- 5.6 The consultation asks a number of specific questions about each proposal to help inform the Secretary of State's assessment of the proposals. These questions are set out in Appendix D.
- 5.7 The Secretary of State has made it clear that the consultation it is not a referendum, so it is not a vote for one proposal over another. Rather it is a means to seek local views on the specific questions set out in Appendix D in relation to each proposal. It is therefore possible to support both proposals, support one proposal, or support neither proposal, whilst answering the specific consultation questions.
- 5.8 The decision on which proposal, if any, to implement in an area, sits with the Secretary of State.
- 5.9 In making this decision, which is subject to Parliamentary approval, the Secretary of State has advised that he will make a balanced judgement, assessing the two proposals against the three criteria set out in the statutory guidance accompanying the invitation (set out in Appendix A) and having regard to all representations received (including responses to the consultation) and to all other relevant information available to him.
- 6.0 The Secretary of State has allowed until 11.45pm on 19 April 2021 for representations to be made in response to the consultation, after which he will make his "minded-to" decisions. Presuming that he decides that a unitary proposal should go ahead, then parliamentary orders will be drafted. These are anticipated to be finalized by summer of 2021, and would give the powers required to establish the new unitary authorities.

## REPORT

### 6.0 REPORT DETAILS

- 6.1 Council is requested to make a decision whether or not to respond, as a Council body, to the Secretary of State's consultation on the proposals he has received relating to North Yorkshire.
- 6.2 The consultation requires those who respond to complete a separate response for each of the two proposals before government.
- 6.3 Council may decide to provide a consultation response on the East & West model (which Council previously resolved to submit), the model submitted by North Yorkshire County Council, both models, or neither model.
- 6.4 Regardless of whether or not the Council, as a body, decides to provide a response, individual Elected Members, and/or political groups, may respond to the consultation in their own right.
- 6.5 Should Ryedale District Council decide to provide a Council response to one or both of the models, agreement would need to be reached by Council on the content of that response in sufficient time to enable submission to be made prior to the deadline of 11.45pm on 19 April 2021.
- 6.6 Officers from Harrogate, Craven, Richmondshire, Scarborough and Selby Councils have collaborated in the preparation of material that could be used to inform Elected Members' deliberations on a possible consultation response on each model. This is provided for information at Appendix E.

### 7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
  - a) Financial  
Whilst local government reform (should the Secretary of State decide to go ahead) will impact on all aspects of the Council's activity, including its finances, there are no financial implications associated with this particular decision.
  - b) Legal  
Councils involved in the East & West model have received advice that there is no legal obligation to respond to the consultation, but that a formal decision should be made by elected members on whether or not to do so.
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)  
Whilst local government reform (should the Secretary of State decide to go ahead) will impact on all aspects of the Council's activity, there are no specific implications relating to this decision.

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**Background Papers:**

Appendix A	Government criteria for local government reorganisation proposals
Appendix B	Ministerial statement of 22 February 2021
Appendix C	List of consultees
Appendix D	Consultation questions
Appendix E	Material prepared by officers of Craven, Harrogate, Richmondshire, Scarborough and Selby councils to inform possible consultation responses