

**Council**

**25 February 2021**

Report of the Chief Operating Officer and Director of Governance

**Updating the delegation for responding to Local Government Reorganisation in York and North Yorkshire**

**Summary**

1. On 29 October 2020, Council approved the submission to Government of a case for York to remain as a unitary authority, given the Local Government Reorganisation process which had been initiated in the York and North Yorkshire sub-region on 9 October.
2. Delegated authority was provided for the Interim Head of Paid Service (now Chief Operating Officer) to submit this case on behalf of City of York Council, as well as submitting a Strategic Partnership Agreement with North Yorkshire County Council and the submission of Devolution “Asks”.
3. All these actions were completed in November and December 2020. Customer and Corporate Services Scrutiny Management Committee reviewed, on 18 November 2020, the Strategic Partnership Agreement, agreeing to write in support of it to the Minister.
4. This report now recommends some additional delegations, in line with the previous Council decision, to allow the submission of a response on behalf of City of York Council to the statutory consultation which is expected to commence in the coming weeks, and to approve any associated activity to support and promote City of York Council’s position to remain a unitary authority through this process.

**Recommendations**

5. Council is asked to:
  - a. Agree to support the North Yorkshire unitary proposal, given that of the only two options to be considered by Government, it aligns with

City of York Council's case to remain as an existing unitary Council in its present form, and to make clear City of York Council's opposition to the East West proposal.

Reason: to allow officers to submit a clear response to the consultation.

- b. Agree to delegate authority to the Chief Operating Officer to submit a consultation response within the consultation process for City of York Council to remain as a unitary authority, as outlined in paragraph 13.

Reason: to ensure officers are able to support the policy position agreed at Full Council in October 2020

- c. Agree to delegate to the Chief Operating Officer authority to undertake any actions he considers appropriate to promote City of York Council's case to remain as a unitary authority, as outlined in paragraphs 14 and 15.

Reason: to ensure officers are able to use appropriate resources to maintain ongoing support for the policy position agreed at Full Council in October 2020.

## **Background**

6. The background to the Local Government Reorganisation process in York and North Yorkshire is included in the Executive report which was referred to Full Council on 29 October 2020. This can be found at <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12298&Ver=4>, item 52.
7. Full Council approved the recommendations of this report as follows:
  - a. *To note the letter from the Secretary of State and the issues as set out in this report.*
  - b. *To agree the submission to Government of a case for City of York Council remaining a unitary on its existing footprint.*

- c. *To agree to delegate authority to the Interim Head of Paid Service to make a submission, in line with the decision above, within the Government's timescales.*
  - d. *To agree the submission of a Strategic Partnership Agreement with North Yorkshire, which proposes areas of potential joint working between City of York Council and a new North Yorkshire unitary council to support efficient local government in the region.*
  - e. *To agree the submission of Devolution "Asks" (as approved at July's Executive) alongside the unitary submission, subject to the permissibility within this process, in order to progress devolution discussions with Government as quickly as possible.*
8. The associated actions were carried out between November and December. The key elements of this were:
- a. The submission on 9 November of an initial representation to Government of City of York Council's case to continue as a unitary authority in its own right.  
  
<https://www.york.gov.uk/downloads/file/6173/successful-leadership-from-a-global-city-on-a-compact-scale>
  - b. The submission on 9 December of supplementary evidence highlighting the broad support for City of York Council's position, an analysis of the potential impacts of the six Districts' proposal for East/West authorities, and a copy of the proposed York and North Yorkshire Strategic Partnership Agreement.  
  
<https://www.york.gov.uk/downloads/file/6243/supplementary-evidence>  
<https://www.york.gov.uk/downloads/file/6242/telephone-survey-report>
9. In parallel with York's submissions, 2 proposals were made to Government to remove 2-tier local government in North Yorkshire. The first was a proposal from North Yorkshire County Council to create a single North Yorkshire unitary authority on its existing boundaries, with York remaining unchanged alongside. The second was a proposal from six of the seven North Yorkshire district and borough councils to abolish all existing councils across York and North Yorkshire and create 2 new

“East” and “West” unitary authorities.

10. The requirement for official proposals in this process is that they must recommend options to remove two-tier local government in all or part of the sub-region. As a single tier area, it is impossible for York to propose removal of two-tier government on its own footprint. For this reason, City of York Council’s submission is not classed as an official proposal. The impact of this is that Council’s representation will not be consulted upon.
11. The process requires Government to consult with those authorities directly affected by proposals, as well as any stakeholders the Secretary of State wishes to include. City of York Council is, therefore, a statutory consultee. Any other organisation or individual is also able to respond to the consultation.
12. At the time of writing, it is the council’s understanding that this consultation will commence in the next week or so, and will run for 8 weeks. It will consult on either or both of the two proposal submitted (as in paragraph 8 above) if the Government believes these may meet the basic criteria as set out in the invitation letter sent to authorities in October.
13. Given the two proposals to be consulted upon, it is clear that only one, the North Yorkshire unitary proposal, is aligned with City of York Council’s agreed policy position. On the contrary, the East/West proposal is entirely in opposition to this.
14. Therefore, subject to Full Council’s approval of the recommendations within this report, a consultation response will be drafted and submitted by the Chief Operating Officer which describes:
  - a. That the benefits of City of York Council remaining as a unitary authority are best served, in the constraints of this process, by the North Yorkshire unitary proposal, which provides for the least disruption, the greatest efficiencies, the simplest route through to devolution and the opportunity for both York and North Yorkshire to work collaboratively to enhance service delivery across the sub-region.
  - b. The detrimental impact upon York of the East/West proposal.

15. The submission would, therefore, be in line with the previous decision at Full Council to submit a case for York to remain as a unitary authority in its own right.
16. There may also be a need for the Chief Operating Officer to follow up the consultation response with any actions such as formulating, submitting and responding to any further queries or issues which may directly occur as a result.
17. It is understood at this point that City of York Council's submissions will not be visible to consultees on the Government's consultation site. It is, therefore, essential that officers are able to widely communicate York's position and encourage representation from stakeholders to that effect. This will include, but is not limited to, providing briefings and information to stakeholders, producing communications encouraging submissions to the consultation and liaising with partner organisations in support of York's case. All this activity will comply with the requirements of The Code of Recommended Practice on Local Authority Publicity.

## **Consultation**

18. City of York Council has undertaken widespread consultation with stakeholders over the past months. Broad support has been seen for City of York Council remaining as a unitary authority. This is outlined in the documents linked in paragraph 7b above.
19. Wider Government consultation is expected to commence shortly, although we do not yet have detailed information.

## **Options**

20. Option 1 – approve the recommendations of this report.
21. Option 2 – do not approve the recommendation of this report.

## **Analysis**

22. Option 1 – this would allow for officers to continue to promote the policy position previously agreed by Full Council.
23. Option 2 – this would make it difficult for officers to promote the policy position previously agreed by Full Council, with the risk that there is no effective representation made in the next phases of the process. The

likelihood of an adverse outcome (in this case, the abolition and merger of City of York Council) would be greater without officers ability to undertake necessary steps to make submissions, promote the agreed policy position and seek to engage support within the process.

## Council Plan

24. The future status of local government in York is directly of relevance to all aspects of the council plan.

## Implications

- **Financial** – there are no financial impacts related to the recommendations of this report. Any small amounts of spend related to these activities would be funded from existing budgets.
- **Human Resources (HR)** – there are no identified impacts related to the recommendations of this report.
- **One Planet Council / Equalities** – it is unlikely that there will be any impacts on the statutory equalities objectives to which due regard must be had under s 149 of the Equality Act 2010
- **Legal** - The legal implications are as detailed within this report and legal advice will be provided as and when required or necessary in respect of any future related issues which may arise
- **Crime and Disorder** – there are no identified impacts related to the recommendations of this report.
- **Information Technology (IT)** – there are no identified impacts related to the recommendations of this report.
- **Property** – there are no identified impacts related to the recommendations of this report.
- **Other**

## Risk Management

25. There are no identified risks with the recommendations of this report.

## Contact Details

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**Chief Officer Responsible for the report:**

**Ian Floyd**  
Chief Operating Officer

**Report Approved**  **Date** [Insert Date]

**Specialist Implications Officer(s)** List information for all

Financial:-  
Name  
Title:  
Tel No.

Legal:-  
Name  
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**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

Full Council Meeting – October 2020

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MIId=12406&Ver=4>

Customer and Corporate Services Scrutiny Management Committee – 18 November 2020

[Agenda for Customer and Corporate Services Scrutiny Management Committee on Wednesday, 18 November 2020, 10.00 am \(york.gov.uk\)](#)