
STATUTORY INSTRUMENTS

2022 No. 328

The North Yorkshire (Structural Changes) Order 2022

PART 1

GENERAL

Citation, commencement, extent and application

1.—(1) This Order may be cited as the North Yorkshire (Structural Changes) Order 2022 and save as for provided in paragraph (2) comes into force on the day after the day on which the Order is made.

(2) Article 16 comes into force on 1st April 2023.

(3) This Order extends to England and Wales and applies in England only.

Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972(1);

“the 2000 Act” means the Local Government Act 2000(2);

“the 2007 Act” means the Local Government and Public Involvement in Health Act 2007;

“the 2022 election” means the election required by article 13(1) to be held in 2022;

“the 2022 election day” means the ordinary day of election of councillors in 2022(3);

“the article 7 functions” has the meaning given by article 6(2)(b);

“the district councils” means Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council and Selby District Council;

“the first transitional period” means the period beginning on the date on which this Order comes into force and ending on the fourth day after the 2022 election day;

“the Implementation Executive” means the committee established (whether before or after the coming into force of this Order) for the purposes of article 6(3);

“the main transitional function” has the meaning given by article 6(1);

“North Yorkshire”, except in the definition of “the North Yorkshire Council” and the second mention of those words in article 3(2) means the County of North Yorkshire;

“the North Yorkshire Council” means the council of the county of North Yorkshire;

“the second transitional period” means the period beginning on the fourth day after the 2022 election day and ending on 1st April 2023.

(1) 1972 c. 70.

(2) 2000 c. 22. Parts 2 and 3 of that Act were amended by Part 3 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Part 1A and Schedule A1 were inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c. 20).

(3) See section 37 of the Representation of the People Act 1983 (c. 2).

PART 2

ESTABLISHMENT OF SINGLE TIER OF LOCAL GOVERNMENT IN THE COUNTY OF NORTH YORKSHIRE

Single tier of local government in North Yorkshire

3.—(1) On or after 1st April 2023 the North Yorkshire Council is the sole principal authority for North Yorkshire.

(2) For the purposes of enactments relating to local government, there shall be a new district, whose area shall be co-terminous with North Yorkshire; and the name of that new district is North Yorkshire.

(3) If the North Yorkshire Council passes a resolution that the word “county” should be omitted from its name, its name shall be “The North Yorkshire Council” and subsection (3) of section 2 of the 1972 Act (constitution of principal councils in England) shall cease to apply so far as it prescribes the name of the council.

Abolition of districts and dissolution of district councils

4. On 1st April 2023—

- (a) the following local government areas are abolished—
 - (i) the district of Craven;
 - (ii) the district of Hambleton;
 - (iii) the borough of Harrogate;
 - (iv) the district of Richmondshire;
 - (v) the district of Ryedale;
 - (vi) the borough of Scarborough; and
 - (vii) the district of Selby; and
- (b) the district councils are wound up and dissolved.

Cessation of term of office of district councillors

5. Every person who holds office as a councillor of one of the district councils immediately before 1st April 2023 ceases to hold office on that date.

PART 3

TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Main transitional function and Implementation Executive

6.—(1) On the coming into force of this Order there is to be added to the functions of the North Yorkshire Council the function, which is to be exercisable only during the first and second transitional periods, of preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils’ functions, property, rights and liabilities (“the main transitional function”).

(2) Throughout the first transitional period, section 9E of the 2000 Act (discharge of functions: general) has effect in relation to the North Yorkshire Council and—

- (a) the main transitional function; and
- (b) the other transitional functions referred to in article 7 (“the article 7 functions”),

as if, in subsection (1), after the words “section 9EA or 9EB” there were inserted “or under the North Yorkshire (Structural Changes) Order 2022”.

(3) The North Yorkshire Council’s executive arrangements shall provide for the discharge of the main transitional function and the article 7 functions to be the responsibility, throughout the first transitional period, of a committee of the council’s executive, to be known as the Implementation Executive.

(4) Such statutory provisions as apply to, or in relation to, committees of a local authority’s executive shall apply throughout the first transitional period to, or in relation to, the Implementation Executive subject only to paragraphs (5) and (7) to (12) of this article and article 8(2) to (4); and for this purpose “statutory provisions” includes—

- (a) any enactment contained in an Act passed after the making of this Order; and
- (b) any instrument made at any time under an enactment.

(5) The Implementation Executive shall consist of—

- (a) the person who is for the time being the leader of the North Yorkshire Council’s executive;
- (b) nine persons nominated by the North Yorkshire Council who are for the time being members of that Council; and
- (c) seven persons nominated by the district councils, each of whom is nominated by one of the district councils and is for the time being a member of the council by which they are nominated (whether or not they are for the time being the leader of that council’s executive).

(6) It is the duty of the North Yorkshire Council and each of the district councils to cooperate in the establishment of the Implementation Executive.

(7) The leader of the Implementation Executive is the person who is for the time being the leader of the North Yorkshire Council’s executive; and that person shall preside at all meetings of the Implementation Executive at which they are present.

(8) The district councils must nominate one of the seven persons appointed under paragraph (5) (c) to be the deputy leader of the Implementation Executive.

(9) The North Yorkshire Council must nominate ten persons, each of whom is for the time being a member of that council, to act as members of the Implementation Executive in the absence of the leader of the North Yorkshire Council and the persons nominated in accordance with paragraph (5) (b).

(10) Each of the district councils must nominate one person, each of whom is for the time being a member of that council, to act as members of the Implementation Executive in the absence of those members appointed in accordance with paragraph (5)(c).

(11) The Implementation Executive shall regulate its own proceedings, but a question to be decided by the Executive shall, in the first instance, be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the leader of the Executive) having one vote.

(12) In the case of an equality of votes, the person presiding at the meeting (whether or not the leader of the Executive) shall have a casting vote, in addition to any other vote the person may have.

Other transitional functions

7.—(1) The other transitional functions referred to in article 6(2)(b), which are to be exercisable only during the first and second transitional periods, are—

- (a) such executive and non-executive functions of the North Yorkshire Council as exist on the date on which this Order is made; and
- (b) such other functions (including functions exercisable by all or any of the district councils, and functions conferred on or after that date on local authorities generally or on particular classes of local authority),

as by any of the means mentioned in paragraph (2), the Secretary of State may specify.

(2) The means referred to in paragraph (1) are—

- (a) this Order;
- (b) a subsequent order made under section 7 of the 2007 Act by virtue of section 14 of the Interpretation Act 1978 (power to amend)⁽⁴⁾;
- (c) an order under section 20 of the 2007 Act (correction of orders); and
- (d) regulations under section 14 of the 2007 Act (regulations for supplementing orders).

(3) In addition to the functions specified elsewhere in this Order, the following functions are exercisable during the second transitional period—

- (a) section 108 of the Local Democracy, Economic Development and Construction Act 2009 (review by authorities: new combined authority)⁽⁵⁾;
- (b) section 109 of the Local Democracy, Economic Development and Construction Act 2009 (preparation and publication of scheme: new combined authority)⁽⁶⁾;
- (c) section 82 of the 2007 Act (council’s power to undertake review) in relation to the area of any of the district councils;
- (d) section 86⁽⁷⁾ of the 2007 Act (reorganisation of community governance);
- (e) section 87 of the 2007 Act (constitution of new parish);
- (f) section 88 of the 2007 Act (existing parishes under review);
- (g) section 89 of the 2007 Act (new council: consequential recommendations);
- (h) section 90 of the 2007 Act (council retained: consequential recommendations);
- (i) section 91 of the 2007 Act (grouping or de-grouping of parishes);
- (j) section 93 of the 2007 Act (duties when undertaking a review);
- (k) section 94 of the 2007 Act (recommendations to create parish councils);
- (l) section 95 of the 2007 Act (electoral recommendations: general considerations); and
- (m) section 96⁽⁸⁾ of the 2007 Act (publicising outcome).

Discharge of functions by Implementation Executive

8.—(1) The discharge of the main transitional function and the article 7 functions shall be a responsibility, throughout the first transitional period, of the Implementation Executive, and shall not, during that period, be a responsibility of the executive of the North Yorkshire Council.

(2) Section 9DA⁽⁹⁾ of the 2000 Act (functions of an executive: further provision) has effect as if, at the end of subsection (3)(c), there were added “or as mentioned in article 8(6) of the North Yorkshire (Structural Changes) Order 2022”.

(4) 1978 c. 30.

(5) Section 108 was amended by section 6 of the Cities and Local Government Devolution Act 2016 (c. 1).

(6) Section 109 was amended by sections 6 and 12 of the Cities and Local Government Devolution Act 2016 (c. 1).

(7) Section 86 was amended by Schedule 4 to the Local Democracy, Economic Development and Construction Act 2009 (c. 28).

(8) Section 96 was amended by Schedule 4 to the Local Democracy, Economic Development and Construction Act 2009.

(9) Sections 9DA, 9E and 9F were inserted by paragraph 1 of Part 1 of Schedule 2 to the Localism Act 2011 (c. 20).

(3) Section 9E(5) of the 2000 Act (which enables a committee of a local authority executive to arrange for the discharge of its functions by an area committee or officer of the authority) has effect during the first transitional period in relation to the Implementation Executive as if—

- (a) references to functions included references to responsibilities, and
- (b) the reference to an officer of the authority included a reference to—
 - (i) a sub-committee of the Implementation Executive; and
 - (ii) an officer of any of the district councils.

(4) Section 9E(7) of the 2000 Act (arrangements made for the discharge of functions do not prevent the exercise of those functions by those making the arrangements) has effect during the first transitional period in relation to arrangements made under subsection (2) of that section (as modified by paragraph (2) above) as if—

- (a) references to functions included references to responsibilities, and
- (b) the reference to an officer of the authority included a reference to—
 - (i) a sub-committee of the Implementation Executive; and
 - (ii) an officer of any of the district councils.

(5) Section 9F of the 2000 Act (overview and scrutiny committees: functions) does not apply during the first transitional period in relation to any matter that is—

- (a) a responsibility of the Implementation Executive by virtue of paragraph (1); or
- (b) the responsibility of that Executive under arrangements made by the North Yorkshire Council under the 2000 Act.

(6) At any time during the first transitional period, the North Yorkshire Council and the district councils may discharge jointly under arrangements under section 101(5) of the 1972 Act the functions of—

- (a) reviewing or scrutinising decisions made, or other action taken, by the Implementation Executive in connection with any matter of a description mentioned in paragraph (4); or
- (b) preparing reports for, or making recommendations to, the Implementation Executive in connection with any function or responsibility of that Executive.

(7) Where such arrangements as are mentioned in paragraph (6) are made, the joint committee must inform the North Yorkshire Council and the district councils before the end of the first transitional period—

- (a) of the matters that it has considered, and
- (b) of the conclusions (if any) that it has reached concerning those matters.

Implementation Plan and further provisions relevant to discharge of functions by Implementation Executive

9.—(1) During the first transitional period, the Implementation Executive must prepare, keep under review, and revise as necessary, an Implementation Plan which must include—

- (a) such plans and timetables as the Implementation Executive considers necessary to secure the effective, efficient and timely discharge of the main transitional function and the article 7 functions; and
- (b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge of the North Yorkshire Council's functions on or after 1st April 2023.

(2) For the purposes of—

- (a) preparing, reviewing and revising the Implementation Plan;

- (b) discharging the main transitional function and the article 7 functions; and
- (c) discharging such other functions as may be conferred on it,

the Implementation Executive must have regard to the information supplied by the North Yorkshire Council to the Secretary of State in support of its proposal for single tier local government in North Yorkshire(10).

(3) The Implementation Executive may, by written notice to—

- (a) the proper officer of the North Yorkshire Council; or
- (b) the proper officer of any of the district councils,

require the council referred to in the notice to take such action relevant to the main transitional function or any of the article 7 functions as may be specified in the notice.

(4) In paragraph (3), “the proper officer” means the officer appointed by the North Yorkshire Council or the district council concerned (as the case may be) for the purpose of receiving such notices.

Implementation Team

10.—(1) Not later than 21 days after the coming into force of this Order the Implementation Executive must form a team of officers (“the Implementation Team”) for the purposes of—

- (a) during the first transitional period, assisting the Implementation Executive in the discharge of the main transitional function and the article 7 functions; and
- (b) during the second transitional period, assisting the executive of the North Yorkshire Council in the discharge of those functions.

(2) The members of the Implementation Team must include officers from both the North Yorkshire Council and each of the district councils and include the following persons—

- (a) the person who for the time being is the head of paid service of the North Yorkshire Council;
- (b) the head of paid service of one of the district councils;
- (c) the North Yorkshire Council’s monitoring officer;
- (d) the North Yorkshire Council’s chief finance officer;

(3) The leader of the Implementation Team is the person who is for the time being the head of paid service of the North Yorkshire Council.

(4) The deputy leader of the Implementation Team is the person who is specified by paragraph (2) (b).

(5) It is the duty of the North Yorkshire Council and each of the district councils to cooperate in the formation of the Implementation Team and to release the officers concerned from their normal duties at such times or for such periods as the Implementation Executive or the executive of the North Yorkshire Council may reasonably require.

Dissolution of Implementation Executive, etc and further provisions relevant to transition

11.—(1) The Implementation Executive, any sub-committee of that Executive and any joint committee established as mentioned in article 8(6) shall be dissolved on the fourth day after the 2022 election day.

(10) Copies of the information supplied are available at <https://www.northyorks.gov.uk/new-council-0> or upon request from the Department for Levelling Up, Housing and Communities, 2 Marsham Street, London, SW1P 4DF.

(2) The discharge of the main transitional function and the article 7 functions in the second transitional period shall be an executive function of the North Yorkshire Council (falling to be discharged by that council’s executive in accordance with executive arrangements under the 2000 Act).

(3) Section 9E(5) of the 2000 Act has effect in relation to the discharge of that executive function as if the reference to an officer of the authority included a reference to an officer of any of the district councils.

(4) Article 9 has effect in relation to the second transitional period as if—

- (a) the reference to the first transitional period were a reference to the second transitional period;
- (b) references to the Implementation Executive were references to the North Yorkshire Council’s executive; and
- (c) paragraph (3)(a) were omitted.

PART 4

DUTIES OF NORTH YORKSHIRE COUNCIL AND DISTRICT COUNCILS RELEVANT TO TRANSITION

General transitional duties of North Yorkshire Council and district councils

12.—(1) It is the duty of the North Yorkshire Council and the district councils—

- (a) to take, whether alone or in any combination, such steps as may be necessary to prepare for the transfer of the functions, property, rights and liabilities of the district councils;
- (b) to consult and co-operate with each other in order to secure the economic, effective, efficient and timely transfer of those functions, property, rights and liabilities; and
- (c) generally, to exercise their functions so as to further the purposes of this Order.

(2) A relevant authority must provide such information relating to its functions as any other relevant authority may reasonably request for the purpose of giving effect to this Order.

(3) A relevant authority must, on request by a person authorised by another relevant authority in that behalf, at all reasonable times allow that person—

- (a) to inspect any record belonging to or under the control of the authority providing the information and relating to the authority or its functions; and
- (b) to take, or be supplied with, a copy of any such record or part of it.

(4) A relevant authority to whom a request is made under paragraph (3) may, before complying with the request, require the person making the request to produce evidence of the authorisation given by the other relevant authority.

(5) The rights conferred by paragraph (3) include the right to require any record which is not in legible form to be made available in legible form so that the authorised person may inspect or copy it or be supplied with copies.

(6) In this article “relevant authority” means—

- (a) the North Yorkshire Council; and
- (b) any of the district councils.

PART 5

ELECTORAL MATTERS

North Yorkshire Council election in 2022 and subsequent years

13.—(1) A whole council election of councillors of the North Yorkshire Council is to be held—

- (a) on the 2022 election day(**11**);
- (b) on the ordinary day of election of councillors(**12**) in 2027;
- (c) every fourth year thereafter.

(2) For the purposes of the elections of councillors of North Yorkshire Council—

- (a) North Yorkshire is to be divided into electoral divisions;
- (b) the names of the new electoral divisions are those indicated in column 1 of the Table set out in Schedule 1 to this Order;
- (c) the area of each new electoral division is to be the same as that of the district council wards, parish or parish council wards, as those electoral wards existed on 31st March 2022, and as indicated in column 2 of that Table;
- (d) each new electoral division is to return the number of councillors indicated in column 3 of that Table.

(3) The person who is for the time being the returning officer for North Yorkshire(**13**) must take such steps as are necessary or appropriate to prepare for the 2022 election, including the making of all necessary alterations to the electoral register.

(4) All councillors elected in 2022 or any later year are to retire on the fourth day after the ordinary day of election of councillors in the year of retirement and the newly-elected councillors are to come into office on the day on which their predecessors retire.

(5) In this article “the year of retirement”—

- (a) in relation to councillors elected in 2022 means 2027;
- (b) in relation to councillors elected in 2027 or in any later year means the fourth year after the year of election of those councillors.

Cancellation of elections to the district councils

14.—(1) Notwithstanding section 7(8) and (9) of the 1972 Act (elections of councillors)—

- (a) ordinary elections are not to be held in 2022 for the return of councillors to any of the district councils(**14**); and
- (b) the term of office of councillors serving as councillors of any of those councils ends on 1st April 2023.

(2) Subject to paragraph (3), nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of any of the district councils where that vacancy arises after 30th September 2022 and before 1st April 2023.

(11) The North Yorkshire (Changes to Years of Elections) Order 2021 (S.I. 2021/175) changed the year of election of North Yorkshire County Council from 2021 to 2022.

(12) See section 37 of the Representation of the People Act 1983 (c. 2).

(13) See section 35 of the Representation of the People Act 1983.

(14) The North Yorkshire (Changes to Years of Elections) Order 2021 (S.I. 2021/175) changed the year of election of Craven District Council from 2021 to 2022.

(3) Where, on the occurrence of a vacancy mentioned in paragraph (2) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of one of the district councils exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(4) Where, in the circumstances mentioned in paragraph (3), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2023 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006(15) shall not be commenced.

Cancellation of parish council elections, etc

15. Notwithstanding section 16(3) of the 1972 Act (election of parish councillors)—

- (a) elections are not to be held in 2023 or in 2024 for the return of councillors to the council of any parish in North Yorkshire;
- (b) elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2023 or in 2024 are to be held on the ordinary day of elections in 2022 and 2027 and every four years thereafter;
- (c) the term of office of parish councillors elected prior to the ordinary day of elections in 2022 ends on the fourth day after the ordinary day of elections in 2022;
- (d) the term of office of parish councillors elected in 2022 or at any subsequent by-election held before the ordinary day of election in 2027 ends on the fourth day after the ordinary day of elections in 2027(16).

PART 6

CEREMONIAL MATTERS

Charter Trustees

16.—(1) There are established for each area listed in the second column of the table in Schedule 2 to this Order a body corporate to be known by the name specified in relation to that area in the first column of that table.

(2) The charter trustees for a body listed in the first column of the table in Schedule 2 are the councillors for the time being for any electoral area all or part of which includes any part of the area specified in the entry for that body in the second column of that table.

(15) S.I. 2006/3304.

(16) Under section 16(3) of the Local Government Act 1972, the term of office of parish councillors is four years.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Kemi Badenoch
Minister of State
Department for Levelling Up, Housing and
Communities

17th March 2022