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Somerset LGR Joint Committee Joint Scrutiny Committee Terms of Reference and Meeting Guidance Protocol

Meeting date – 31st January 2022

**Lead Officer: Scott Wooldridge, Monitoring Officer, Somerset
County Council**

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Council**

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1. Summary / Background

- 1.1. Proposals for the Joint Scrutiny Committee (“JSC”) together with the draft Terms of Reference have already been considered and approved by Mendip District Council, Sedgemoor District Council, Somerset County Council, Somerset West and Taunton Council and South Somerset District Council (collectively known as the Constituent Councils) at Full Council meetings in November and December 2021.
- 1.2. All of the Constituent Councils have appointed members onto the Joint Scrutiny Committee and the purpose of this report is to seek Members approval to the Terms of Reference and the Meeting Guidance Protocol

2. Recommendations

- 2.1. **That the LGR Joint Scrutiny Committee approves the Terms of Reference attached at Appendix 1 (Terms of Reference).**
- 2.2. **That the LGR Joint Scrutiny Committee approves the Meeting Guidance Protocol attached at Appendix 2 (Meeting Guidance Protocol)**

3. Reasons for recommendations

- 3.1 Following the Secretary of State’s decision, extensive collaborative work has been undertaken by the five councils to support the implementation of the single unitary council in April 2023. Through partnership, the programme governance arrangements have been jointly established with oversight and direction from the Somerset leaders and chief executives. The LGR Joint Committee has agreed the Terms of Reference for the LGR Joint Committee and included provision for the creation of a JSC in those Terms of Reference.
- 3.2. Joint scrutiny committee arrangements are already well established by the five councils such as the Heart of the South West Joint Committee and the Somerset Waste Board.
- 3.3. The establishment of the JSC will create a collaborative democratic mechanism which will establish a countywide scrutiny framework allowing the Constituent Councils to scrutinise the LGR Joint Committee in an effective and timely manner in relation to the preparation for the establishment of the unitary council in Somerset. It will also positively respond to DLUHC’s expectations for collaborative arrangements to be

established as early as possible in the implementation programme. The JSC will be consulted and have an opportunity to make representations to the LGR Joint Committee in relation to budget setting for the new Unitary and any medium-term financial plans. The establishment of the JSC will also ensure that all Councils can play an important role in helping shape the direction of the implementation process but without leading to duplication and delay.

3.4 The Terms of Reference provide for a JSC of sixteen members drawn from the relevant overview and scrutiny committees of the Constituent Councils, eight from the County Council and two from each of the District Councils (eight in total) with the Chair being appointed from the District membership and the Vice Chair from the County membership.

3.5 Allocation of the above seats has been based on individual councils. This ensures the political make up of each constituent council is represented and is reflective of the fact that the Constituent Councils are currently individual sovereign councils.

3.6 The Terms of Reference provide that any 5 members of the Constituent Councils, to include members from at least 3 of the Constituent Councils, may request a call-in of a decision of the LGR Joint Committee. The Chair and the Vice Chair of the JSC will consider call-in requests and will reach a conclusion as to whether to accept or reject the call-in in accordance with the criteria set out in the Terms of Reference and after taking advice from the Scrutiny Officer and Monitoring Officer of Somerset County Council.

3.7. The JSC meetings will be open to all elected members of the five councils, the public, partners and press to attend in venues around the county. Agendas, reports and minutes of the Committee will be published on the County Council's website along with details of meeting locations and times. The District Councils will publish a link to agendas on their website.

3.8 A Meeting Guidance Protocol setting out in more detail the procedures for LGR JSC meetings will sit underneath the Terms of Reference and is attached as Appendix 2 to this report, for the Committee's approval.

4. Options considered

- 4.1 To approve the proposed Terms of Reference and Meeting Guidance Protocol.
- 4.2 Not to approve the proposed Terms of Reference and Meeting Guidance Protocol.
- 4.3 To approve the Terms of Reference and Meeting Guidance Protocol with amendments. It should be noted that any substantive changes to the Terms of Reference would need to be agreed by each of the Constituent Councils.

5. Links to Business Case

- 5.1. Paragraph 9 implementation.

6. Consultations and co-production

- 6.1. Each of the partners' legal teams and Monitoring Officers have been involved in the development of the Terms of Reference.

- 6.2. Each of the Constituent Councils have approved the proposals for the JSC and the proposed Terms of Reference.
- 6.3 Each of the Councils' Scrutiny officers have been involved in the development of the Meeting Guidance Protocol.

7. Financial and Risk Implications

7.1 The Financial implications are:-

Under the Terms of Reference Somerset County Council will act as the Administering Authority for the JSC during the months between its establishment and the creation of the Implementation Executive under the SCO. The District Council Scrutiny Officers will work closely with the County Scrutiny Officer in developing the work programme and supporting the JSC. The associated costs of supporting the JSC will be met from approved budgets made available for implementation of the unitary council business case.

7.2 Risk implications are:-

Likelihood	3	Impact	3	Risk Score	9
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8. Legal and HR Implications

8.1 The JSC will act as a Joint Committee under s 101 and s 102 Local Government Act 1972 and as an overview and scrutiny committee under s 21 Local Government Act 2000 (as amended). This will be to the exclusion of the Constituent Councils own overview and scrutiny arrangements as far as the work of the LGR Joint Committee is concerned.

8.2 The Terms of Reference set out the membership, role, duties and responsibilities of the JSC and the requirements upon the Constituent Councils in supporting it.

8.3 The JSC will only exist until such time as the Implementation Executive comes into effect. The joint governance arrangements that will be put in place thereafter will be the subject of a separate report to the Constituent Councils in February 2022

9. Other Implications

9.1. Equalities Implications

There are no direct equalities implications arising from any of the proposals in this report.

10. Background Papers

10.1. Appendix 1 – Proposed JSC Terms Reference

10.2 Appendix 2 – Proposed JSC Meeting Guidance Protocol

Report Sign-Off