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## **Special District Executive (Informal)**

**Tuesday 17th August 2021**

**1.00 pm**

**Virtual Meeting  
using Zoom meeting software**

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The following members are requested to attend the meeting:

Jason Baker  
Mike Best  
John Clark  
Adam Dance  
Sarah Dyke

Peter Gubbins  
Henry Hobhouse  
Val Keitch  
Tony Lock  
Peter Seib

Any members of the public wishing to address the meeting at Public Question Time need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Monday 16 August 2021.

The meeting will be viewable online at:

[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

For further information on the items to be discussed, please contact [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 9 August 2021.

**Nicola Hix,**  
Director (Support Services & Strategy)

**This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the Modern.gov app**

## Information for the Public

In light of the coronavirus pandemic (COVID-19), District Executive Committee will meet virtually via video-conferencing to consider reports. As of 7 May 2021 some interim arrangements are in place for committee meetings.

At the meeting of Full Council on 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

- a) To continue to enable members to hold remote, virtual meetings using available technology;
- b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;
- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;

For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2981&Ver=4>

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022.

For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=3033&Ver=4>

## District Executive

Meetings of the District Executive are usually held monthly, at 9.30am, on the first Thursday of the month (unless advised otherwise).

The District Executive co-ordinates the policy objectives of the Council and gives the Area Committees strategic direction. It carries out all of the local authority's functions which are not the responsibility of any other part of the Council. It delegates some of its responsibilities to Area Committees, officers and individual portfolio holders within limits set by the Council's Constitution. When major decisions are to be discussed or made, these are published in the Executive Forward Plan in so far as they can be anticipated.

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

The Executive Forward Plan and copies of executive reports and decisions are published on the Council's web site: <http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the Modern.gov app (free) available for iPads and Android devices. Search for 'modern.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at meetings (held via Zoom)**

### **Public question time**

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) for the details to join the meeting.

If you would like to view the meeting without participating, please see: [https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

If you would like to address the meeting at Public Question Time, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Monday 16 August 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

### **Virtual meeting etiquette:**

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

# Special District Executive (Informal)

**Tuesday 17 August 2021**

## Agenda

**1. Apologies for Absence**

**2. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

**3. Public Question Time**

**4. Chairman's Announcements**

Items for Discussion

**5. Local Government Reorganisation - Structural Change Order (SCO) (Pages 5 - 9)**

**6. Date of Next Meeting (Page 10)**

## Local Government Reorganisation – Structural Change Order (SCO)

Executive Portfolio Holder: Val Keitch, Council Leader  
Lead Officer: Jan Gamon, Director of Place and Recovery  
Contact Details: Jan.Gamon@southsomerset.gov.uk

### Purpose of the Report

1. The purpose of this report is formally to notify the Executive and Full Council of the decision of the Secretary of State on 21 July 2021 to implement the proposal for a single unitary council for the County of Somerset, to update members as to the next steps and to seek delegated authority for the Chief Executive to negotiate the terms of the Structural Change Order with the Ministry of Housing Communities and Local Government (“MHCLG”).

### Forward Plan

2. This report appeared on the District Executive Forward Plan and a Special District Executive Meeting has been arranged for 17<sup>th</sup> August 2021.

### Public Interest

3. Following the submission of proposals for local government reorganisation in Somerset, the Secretary of State issued his decision on 21 July 2021. The Secretary of State has decided that there should be a single unitary council for Somerset with effect from 1 April 2023. This report explains how SSDC will engage with government and the other Somerset councils to progress and implement this recommendation.

### Recommendations

4. That the District Executive recommends that Full Council:
  - a. notes the next steps following the Secretary of State decision
  - b. delegates authority to the Chief Executive in consultation with the Leader of Council and Monitoring Officer to submit any responses and undertake negotiations regarding the content of the Structural Change Order and associated matters
  - c. establishes a member working group to work with the Leader, Chief Executive and Monitoring Officer in considering the Structural Change Order, the membership of that group to be the Leader of Council, the Deputy Leader, the Leader of the Conservative Group and the Leader of the Independents

### Background



## South Somerset District Council

5. As Members are aware, the four District Councils in Somerset (Mendip, Sedgemoor, Somerset West and Taunton and South Somerset) submitted a Full Proposal in December last year for the creation of two unitary councils in Somerset, entitled “Stronger Somerset”. This was following a submission by Somerset County Council of a proposal for one Unitary authority entitled “One Somerset”.
6. Following an eight-week consultation to 19 April 2021 (with some 5,500 responses) and a local poll organised by the District Councils in April (with over 100,000 responses and concluding that 65% of our electorate were in favour of two unitary authorities for Somerset compared to 35% in favour of one unitary), the Secretary of State announced his decision on the future of local government in Somerset on 21 July 2021.
7. The Secretary of State assessed both proposals against three criteria, namely:
  1. Is the proposal likely to improve local government and service delivery across Somerset?
  2. Does the proposal command a good deal of local support across Somerset? and:-
  3. Do the Councils to be established have a credible geography?
8. The Secretary of State concluded that the proposal for a single unitary met all three criteria and that the Districts proposal for two unitary(s) only met the criteria on local support.

### Current position and further information on recommendations

9. The District Councils are carefully considering the reasons for the decision. However, in the meantime, it is important that the Council mobilises itself to engage in the next stage of the process which is the negotiation of the Structural Change Order (SCO) with the MHCLG to ensure that the interests of our customers, members and staff are fully represented.
10. The purpose of the SCO is to facilitate the transition from existing Councils to the new authorities. The Order will define the basic governance and operating principles in the lead up to a new unitary authority in Somerset. The Order will be made under the powers set out in the Local Government and Public Involvement in Health Act 2007.
11. The Leaders and Chief Executives have been advised that the first meeting with the MHCLG will take place during the second week of August. At the time of writing we are still awaiting an agenda but have been advised that the meeting will focus on the implementation process, in particular the detail of the process and timings of finalising and laying the SCO, including those aspects of the SCO that require input from all of the Somerset Councils in order to finalise the detail.
12. Whilst we do not yet know the detailed timetable that the MHCLG will be working to in terms of the negotiations, the timetable for implementing the new unitary moving forward is likely to be as follows:
  - First meeting between MHCLG and Chief Executives – First / Second week of August 2021
  - Negotiation of Structural Change Order – August/September 2021 (to be confirmed)



## South Somerset District Council

- MHCLG prepare Structural Change Order - September-November 2021 including:-
    - Form of unitary council
    - Continuing or shadow authority?
    - Form of governance
    - Number of votes for twin hatters
    - Number of councillors for elections in May 2022
    - Abolition and winding up of councils in 2023
    - Transfer of functions to continuing or shadow authority
    - Composition of implementation or shadow Executive
    - Who will be responsible for convening the first meeting.
    - Electoral cycle
  - Joint Committee comes into effect (if not already in place) - February 2022
  - Shadow or Transition Authority comes into effect – April 2022
  - Elections to Shadow or Transition Authority – May 2022
  - Approval of Consequential Orders February 2022 – April 2023 (transfer of functions, staff, assets, pensions)
  - Vesting Day: New Unitary takes effect and existing Councils dissolved – 1 April 2023
  - Boundary Review – April 2023 onwards
13. We know from other areas who have been through this process that negotiating the SCO and implementing the necessary changes will need to progress rapidly due to the very tight timetable between now and the vesting date. In the circumstances, it is important to ensure the appropriate delegation is in place to enable the Council's interests to be adequately protected.
14. In the circumstances, delegated authority is sought to enable the Chief Executive to negotiate the terms of the SCO and any associated or consequential matters in consultation with the Leader of Council and Monitoring Officer.
15. It is also proposed that a member working group is established to work with the Leader and Chief Executive and Monitoring Officer in considering the SCO, the membership of that group to be the Leader of Council, the Deputy Leader, the Leader of the Conservative Group and the Leader of the Independents.
16. Further reports will be presented to members to update them on the Local Government Reorganisation process and progress once more detail is known.

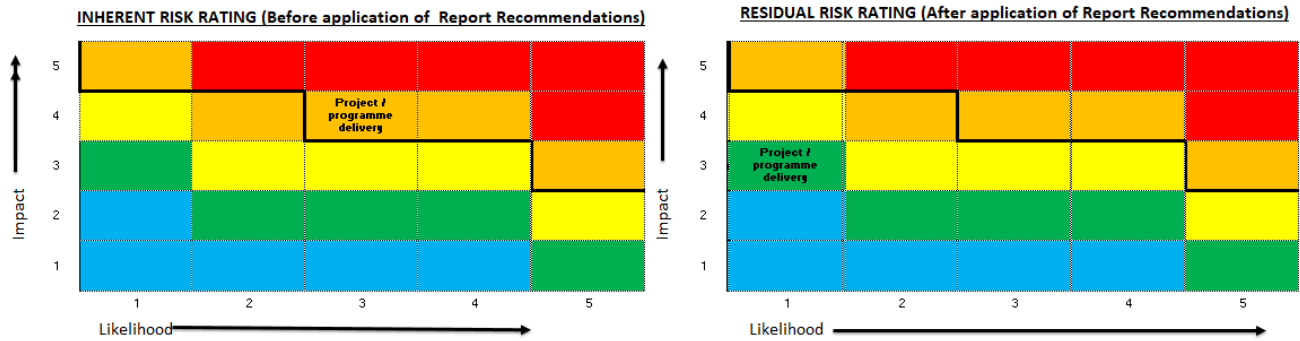
### Financial Implications

17. There are no financial issues directly arising from this report.



- The terms of the SCO will determine how South Somerset DC can exercise its powers during the period of transition to a new unitary authority for Somerset and is likely to impose significant restrictions. The SCO will be made by Parliament under section 7 of the Local Government and Public Involvement in Health Act 2007.

### Risk Matrix



Risk Ref	Risk Category	Inherent Risk Rating	Residual Risk Rating
1	Project / programme delivery	13	6
2	Financial	0	0
3	Delivery of Services	0	0
4	Staffing & Capacity	0	0
5	Reputation	13	6
6	Health & Safety	0	0
7	Governance & Legal	0	0

Risk Description	Mediation / Controls
Government will reach a decision on content of Structural Change Order without our input	Recommending delegated authority to the Chief Executive and the setting up of a member working group. Increasing the ability to
0	0
0	0
0	0
Government will reach a decision on content of Structural Change Order without our input	Recommending delegated authority to the Chief Executive and the setting up of a member working group. Increasing the ability to
0	0
0	0

Risk Description: Government will reach a decision on content of Structural Change Order without our input

Risk Mediation / Controls: Recommending delegated authority to the Chief Executive and the setting up of a member working group. Increasing the ability to responds to the MHCLG in a timely manner and influence the content of the Structural Change Order.

### Council Plan Implications

- There are no Council Plan implications directly arising from this report.

### Carbon Emissions and Climate Change Implications

- There are no carbon emissions or climate change implications issues directly arising from this report.

### Equality and Diversity Implications

- An equality impact assessment was submitted with the proposals for Local Government Re-organisation.



22. A privacy impact assessment is not required due to no issues directly arising from this report.

### **Background Papers**

23. Local Government Update – Statement made on 21<sup>st</sup> July 2021 – Robert Jenrick Secretary of State for MHCLG - <https://questions-statements.parliament.uk/written-statements/detail/2021-07-21/hcws234>
24. MHCLG News story - <https://www.gov.uk/government/news/next-steps-for-new-unitary-councils-in-cumbria-north-yorkshire-and-somerset>
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## **Date of Next Meeting**

Members are asked to note that the next meeting of the District Executive will take place on **Thursday, 2<sup>nd</sup> September 2021** as a virtual consultation meeting via Zoom meeting software commencing at 9.30 a.m.

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