



## **Establishment of a Joint Committee in Somerset for the implementation of local government reorganisation**

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### **Purpose of the Report**

1. To seek approval for the establishment of a Local Government Reorganisation Joint Committee (LGR Joint Committee) with Mendip District Council, Sedgemoor District Council, Somerset County Council and Somerset West and Taunton District Council (collectively, with the addition of South Somerset District Council, the Constituent Councils).

### **Recommendations**

2. That the District Executive recommend that the Chief Executive agree to establish the LGR Joint Committee with representation from the Constituent Councils, constituted in accordance with and having the delegated Executive functions set out in the Terms of Reference attached as Appendix 1.

**Note:** this decision will only come into full effect on 25 October 2021 after all the Constituent Councils have met and agreed to the Terms of Reference.

### **Background**

3. Following the Secretary of State's announcement that there would be a single unitary council for Somerset with effect from 1 April 2023, the Constituent Councils have been working collaboratively and with the Department for Levelling Up, Housing and Communities (DLUHC) on the process of transition to the new authority. DLUHC are currently discussing the proposed Structural Change Order (SCO) with the Constituent Councils. The SCO, which will be laid before Parliament for approval in the New Year, will set out the arrangements for the transfer of the functions, property, assets, rights, liabilities and investments of the Constituent Councils to the unitary council. The SCO will also set out the governance arrangements for the transitional period until the unitary council is established in April 2023.

**Note:** the DLUHC has replaced the former Ministry for Housing, Communities and Local Government (MHCLG).



4. The Constituent Councils will need to take a number of actions and decisions before the SCO becomes law. To enable such decisions to be taken collectively and in an efficient and timely manner, requires a collaborative and democratic governance framework. The LGR Joint Committee will not only provide collaborative democratic oversight and transparency for these actions and decisions, it will also be a positive response to DLUHC's expectations for collaborative arrangements to be established as early as possible in any LGR implementation programme.
5. The Terms of Reference set out the membership, functions and operations and meeting and voting arrangements of the LGR Joint Committee. Somerset County Council will administer the LGR Joint Committee, but the finance, legal and governance teams of the Constituent Councils will provide collaborative support and advice to support the LGR Joint Committee. The Constituent Councils' legal teams and Monitoring Officers have been involved in the development of the Terms of Reference, which were then informally approved by the Leaders and Chief Executives.
6. The functions set out in the Terms of Reference have been designed to align with the anticipated form of the SCO on the basis of LGR in other areas. Until the arrangements set out in the SCO take effect, the main functions of the LGR Joint Committee will be to:
  - (i) oversee the implementation plan for the new unitary authority;
  - (ii) oversee liaison with DLUHC, particularly on the SCO, and the development of the new unitary council's constitution;
  - (iii) develop organisational and partnership policies and protocols to support the implementation of the unitary council;
  - (iv) be consulted on, and have an opportunity to make representations to, the Constituent Councils in relation to the setting of 2022-23 annual budgets and any medium term financial plans.
7. LGR Joint Committee meetings will be open to the public and will take place in venues around the county.

### **An Update on Scrutiny**

8. The leaders of the Constituent Councils have separately expressed a wish to set up a joint scrutiny committee to oversee the work of the LGR Joint Committee. While the LGR Joint Committee will exercise executive functions only and can therefore be established by executive decision, a joint scrutiny committee may only be established by a decision of full council. If this proposal to establish the LGR Joint Committee is approved by the Constituent Councils, a proposal for an LGR Joint Scrutiny Committee will be prepared for consideration at full council meetings in November/December 2021.

### **An Update on the SSDC Member Working Group**

9. On 19 August 2021, Council agreed to establish a member working group to work with the Leader, Chief Executive and Monitoring Officer in considering the Structural Change Order, comprising the Leader of Council, the Deputy Leader, the Leader of the Conservative Group and the Leader of the Independents. Once the LGR Joint Committee meeting dates are known, working group meetings will be arranged to support this work.

### **An Update on the Informal Advisory Board**

10. The Leaders and CEOs of the Constituent Councils have agreed to set up an LGR Advisory Board of elected members and stakeholders. The Board will be advisory only and will not have decision making or scrutiny powers. Detailed terms of reference for the LGR Advisory Board are being developed, but an initial note is set out in Appendix 2. Councillor Graham Oakes has been nominated to the Board. Board meetings will be public and the dates will be circulated once known.

### **Legal Implications**

11. The LGR Joint Committee will be a joint committee of the Executives of the Constituent Councils for the purposes of Part VI of the Local Government Act 1972 and Part 1, Chapter 2 of the Local Government Act 2000 and the provisions applicable to joint committees of the executive will apply to the LGR Joint Committee. The LGR Joint Committee will therefore exercise those functions delegated to it by the Constituent Councils on their behalf and without further (formal) recourse to them. These functions and proposed joint committee arrangements therefore only require approval by each Executive or Cabinet.

### **Financial Implications**

12. The financial implications of this decision are limited. Under the Terms of Reference the County Council will administer the LGR Joint Committee. The LGR Joint Committee will have power, using any delegated budgets, to agree spending commitments during the transition period to support the implementation of the unitary council. It is proposed that the Constituent Councils support the LGR Joint Committee to develop a 2023/24 budget for the unitary council.

### **Risk**

13. The creation of a Joint Committee will place a formal governance structure around the preparations for the implementation of the new unitary council. This should enable a transparent, open, democratic and accountable culture around LRR and reduce risk.



### **Carbon Emissions and Climate Change Implications**

14. There are no carbon emissions or climate change implications in this report.

### **Equality and Diversity Implications**

15. Under the Terms of Reference, the LGR Joint Committee will take decisions having regard for Human Rights law and for the Constituent Councils' Public Sector Equality Duties. Before making any decision, the Joint Committee will take into account the equalities implications of that decision

### **Privacy Impact Assessment**

16. There are no privacy impact implications

### **Background Papers**

None

## **Local Government Reorganisation Joint Committee – Terms of Reference**

### **Purpose**

1. Mendip District Council, Sedgemoor District Council, Somerset County Council, Somerset West and Taunton Council and South Somerset District Council will establish an executive joint committee, known as the Local Government Reorganisation Joint Committee (LGR Joint Committee) for the purpose of discharging the functions set out in paragraph 17 below in relation to the implementation of the Secretary of State's decision to implement a single tier of local government in Somerset and any related matters.
2. The LGR Joint Committee is a joint committee of the executives of the councils for the purposes of Part VI of the Local Government Act 1972 and Part 1, Chapter 2 of the Local Government Act 2000 and the provisions applicable to joint committees of the executive will apply to LGR Joint Committee.
3. The LGR Joint Committee will take decisions in accordance with the principles of good decision-making namely:
  - giving consideration to all options available;
  - having regard to due consultation;
  - giving consideration to professional advice from officers;
  - having clarity of aims and desired outcomes;
  - that the action proposed must be proportionate to the desired outcome;
  - having respect and regard for human rights and for the councils' Public Sector Equality Duties;
  - a presumption in favour of openness, transparency and accountability;
  - only relevant matters being taken into account;
  - due weight being given to all material considerations (including opportunities and risks);
  - proper procedures being followed.

### **Term**

4. The LGR Joint Committee will exist until the provisions of the Structural Change Order ("SCO") which establish the Implementation Executive (or another body named in the SCO) as the committee responsible for the discharge of the main transitional function throughout the period of transition to the new unitary council in Somerset come into effect.

### **Membership and voting**

5. The LGR Joint Committee will be made up of 9 members drawn from the existing authorities as follows:



- the Leader of Somerset County Council ex officio;
  - 4 other members of the executive of Somerset County Council (to be nominated by the Leader of that Council);
  - the Leaders of each of the 4 district councils ex officio.
6. Each member will have one vote.
  7. In the event of a non-ex officio member of the LGR Joint Committee ceasing to be a member or executive member of their appointing council, that council shall appoint another member in their place.
  8. Each council leader may designate members of their executive to act as substitutes for the member(s) appointed under paragraph 5 above if the appointed member(s) is unable to attend a meeting of the LGR Joint Committee. Substitutions may only be made on a meeting-by-meeting basis. Any substitutions must be notified to the Monitoring Officer of Somerset County Council by 9.00am on the day of the relevant meeting.
  9. For the avoidance of doubt, it is a matter for the respective councils' leaders to appoint their members/substitutes.
  10. The Chairperson of the LGR Joint Committee will be the leader for the time being of Somerset County Council. The Vice Chairperson will be elected by the LGR Joint Committee at its inaugural meeting. If neither the Chairperson nor the Vice Chairperson are present, the LGR Joint Committee will elect a Chairperson for the meeting from the members present.
  11. The quorum for the LGR Joint Committee will be 5 members, including at least 1 member from a district council. Unless the law provides otherwise, all matters shall be decided by a majority of the votes of the members present and voting; if there are equal numbers of votes for and against, the Chairperson of the meeting shall exercise a second, casting vote.

### **Meeting arrangements**

12. Somerset County Council will act as administering authority to the LGR Joint Committee and provide all necessary governance support.
13. The LGR Joint Committee will meet at least monthly and otherwise as may be determined by the Chairperson. Where either a majority of members or at least three district council members submit a signed request for an extraordinary meeting in writing to the Chairperson (or the Vice-Chairperson in the absence or incapacity of the Chairperson), the Chairperson (or Vice-Chairperson as the case may be) must make arrangements to call an extraordinary meeting within 10 calendar days of receiving the request.
14. The administering authority will give notice of time, date and venue for the meetings in accordance with the provisions of the access to information



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requirements of the Local Government Act 2000 as amended and ensure compliance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

15. At the inaugural and subsequent meetings of the LGR Joint Committee the standing orders of the LGR Joint Committee will be those of Somerset County Council. The LGR Joint Committee may at any time approve its own set of standing orders which will take effect thereafter or at such other time as the LGR Joint Committee may determine.
16. Meetings of the LGR Joint Committee could take place in a number of locations around the county of Somerset. The LGR Joint Committee will determine a programme of meeting locations for the period of its constitution at its inaugural and/or subsequent meetings.

### Functions

17. The LGR Joint Committee will prepare for and facilitate the economic, effective, efficient and timely transfer of the councils' functions, property, assets, rights, liabilities and investments in relation to the reorganisation of local government in Somerset, and in particular will fulfil the following executive functions, at all times having regard to the duty to cooperate and to the views of the Local Government Reorganisation Advisory Board:
  - Oversee the Implementation Plan for the unitary council;
  - Agree the level of requests to be made to each Council for allocation from each council's revenue and capital allocations for the LGR Joint Committee, and subsequently the Implementation Executive to support delivery of the Implementation Plan;
  - Agree the allocation of revenue and capital expenditure to be made for delivery of the Implementation Plan from the budget delegated by each council to the LGR Joint Committee, and subsequently the Implementation Executive
  - Agree the form, function and constitution of Local Community Networks;
  - Approval of joint submissions to MHCLG in relation to the preparation of the Structural Change Order and of any consequential orders and directions including those dealing with civic and ceremonial matters. This includes all matters relating to the transition of mayors, sheriffs, chartered trustees and insignia. For the avoidance of doubt:
    - (i) if the majority of county members or any district member votes against any particular proposed submission then, provided a request was made at the meeting when the decision was taken, those members may require their dissent and the reasons for it to be noted on that submission; and
    - (ii) if a majority of county members or district members vote against a submission that is approved by a majority of committee members, the submission will be deemed not to be a joint submission.



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- Oversight of the development of the Constitution and the Schemes of Delegation for the unitary council to be established in Somerset;
- Approval of plans to align existing change activities across the councils;
- Development of the unitary council's annual budget 2023/24 and the associated medium term financial plan;
- Development of policies for the unitary council and protocols across the five councils for use during the transition period to support the implementation of the unitary council and delivery of its annual budget 2023/24.
- Consultation on and an expectation that any comments arising from that consultation with the LGR Joint Committee will be taken into consideration by the councils' executives in respect of the recommendations that they make to their full council on:
  - the budgets to be set by each of the councils for the financial years 2022/23 and any medium-term financial plan to be set by the councils (or any of them); and
  - any policies or plans to be implemented by any of the councils and which will have a material impact on the delivery of the Implementation Plan or the rights and/or obligations of the new unitary council in Somerset on its establishment.

### **Links between the LGR Joint Committee and other bodies of the Somerset Local Authorities**

18. The councils will separately constitute a joint scrutiny committee or panel, the purpose of which will be to scrutinise the work of the LGR Joint Committee.
19. The LGR Joint Committee will receive advice from the LGR Advisory Board but for the avoidance of doubt will not be bound by its recommendations.



## **Local Government Reorganisation Advisory Board – Terms of Reference**

### **Purpose**

The purpose of the Board is to ensure that LGR in Somerset is delivered effectively and with appropriate stakeholder engagement and involvement (including elected Members from all 5 Councils). The Board will:

- Engage with residents, partners, stakeholders and others to promote engagement with and understanding of the new authority as it develops.
- Advise on the design and delivery of the cash and non-cash benefits expected from the new authority.

The Board will have an advisory role only and no decision-making or scrutiny role.

Terms of reference are in development, will be regularly reviewed, and are summarised in this note.

### **Scope**

A work plan will be developed by the Board supported by the Programme Team. However, its first work will be to explore the design, piloting and evaluation of Local Community Networks including establishing between 2 and 4 pilot LCNs by December 2021.

Working groups will be set up on an ad-hoc basis to develop or deliver the work plan. Where practicable, they will be chaired by a member of the Board with recommendations fed back to the Board.

### **Membership and meetings**

Membership is 8 Elected Members (County and District with SCC's Cabinet Member for LGR chairing the meetings), and reps from SALC, health, police, education and voluntary/community sector (Spark Somerset).

The Board will meet in public, monthly, in venues across Somerset. Wherever possible they will be web-cast to allow people to participate remotely.

The first meeting is planned for 30<sup>th</sup> September 2021, venue to be confirmed.

Meetings are intended to be collaborative and informal with agreement by consensus.

### **LGR Advisory Board Place in LGR Governance**

It is intended that proposals, ideas and recommendations from the Board and working groups will be fed into the implementation executive / joint committee once overall LGR governance is finalised.