

Appendix 1

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 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.
- 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.