

Somerset West and Taunton Council

Executive – 20 October 2021

Establishment of a Joint Committee in Somerset for the implementation of Local Government Reorganisation

This matter is the responsibility of Executive Councillor Federica Smith-Roberts, Leader of the Council

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1. Executive Summary / Purpose of the Report

1.1 On 21 July 2021 the Secretary of State announced his decision to implement, subject to parliamentary approval, a proposal submitted by the Somerset County Council (the “Council”) for a single unitary council covering the whole of the administrative county of Somerset.

1.2 It is anticipated that the main enabling legislation (the Structural Changes Order”) will be laid before Parliament to consider from January 2022 and will take effect in March 2022. The Structural Change Order (SCO) will establish an Implementation Executive (an executive committee) which will be responsible for preparing for and facilitating the transfer of each of the Somerset councils’ (“Constituent Councils”) functions, property, assets, rights, liabilities and investments to the unitary council as well as various other transitional functions pending the establishment of the unitary council in April 2023.

1.3 There are a number of actions and decisions (set out in further detail below) that will need to be taken by the Constituent Councils before the establishment of the Implementation Executive in order to provide collaborative oversight of the implementation and to deal with ancillary matters arising where liaison with the new Department for Levelling Up, Housing and Communities (DLUHC) is needed (the DLUHC has replaced the former Ministry for Housing, Communities and Local Government). The leaders of each of the Constituent Councils endorse the need for a joint committee to be established to provide collaborative democratic oversight and transparency for these actions and decisions.

2. Recommendations

2.1 That the Executive agree to the establishment of a Local Government Reorganisation joint committee (the LGR Joint Committee) together with the county and district councils in Somerset constituted in accordance with, and having the functions set out in, the terms of reference attached at Appendix 1 (“Terms of Reference”).

3. Reasons for Recommendations

3.1 The establishment of the LGR Joint Committee will create a collaborative democratic mechanism which will establish a governance framework allowing the Constituent Councils (the County Council and four District Councils) to make effective and timely decisions in relation to the preparation for the establishment of the unitary council in Somerset. This will ensure that progress is made in the management of the implementation programme and that related decisions of the five councils are collaborative, open, transparent, and democratically accountable.

3.2 The proposals set out in this report will also positively respond to DLUHC’s expectations for collaborative arrangements to be established as early as possible in the implementation programme.

3.3 Joint committee arrangements are already well established by the councils previously such as the Heart of the South Joint Committee and the Somerset Waste Board.

3.4 Other options considered

a) The alternative is for the Constituent Councils to continue to co-operate in an informal manner. However, such an approach would inevitably slow progress as decision making will need to take place as part of each council’s democratic arrangements which meet on different frequencies. This may also lead to discrepancies in the approaches adopted by each council.

4 Background and Full details of the Report

4.1 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.

4.2 The proposed LGR Joint Committee will operate in accordance with the Terms of Reference (see Appendix 1). These set out the various functions that the Joint Committee will exercise on behalf of the Constituent Councils, together with the membership of the Joint Committee and its meeting and voting arrangements.

4.3 The functions to be exercised by the LGR Joint Committee have been designed to align with the potential functions of the Implementation Executive that are likely to be set out by DLUHC in the SCO.

4.4 Broadly, it will be for the LGR Joint Committee to oversee the implementation Plan for the new unitary authority. The LGR Joint Committee will oversee liaison with the new DLUHC and the development of the new unitary council's constitution. During the transition period it will also need to develop organisational and partnership policies and protocols to support the implementation of the unitary council.

4.5 It is proposed that the LGR Joint Committee's meetings will be open to the public to attend in venues around the county.

4.6 Finally, it is proposed that the LGR Joint Committee will be consulted, 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.

4.7 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. However, while the LGR Joint Committee will exercise executive functions only and can therefore be established by executive decision by each council's Cabinet, a joint scrutiny committee may only be established following each of the five council's considering that decision at their full council meetings in November/December. Subject to approval to the formation of the LGR Joint Committee, the proposal for a LGR Joint Scrutiny Committee will then be pursued further.

5 Links to Corporate Strategy

5.1 The implementation of the proposals in the business case ("Business Case") approved by the Secretary of State will support the strategic objective to develop and deliver effective communications, consultation and engagement which listens to and engages with our residents and stakeholders and is central to the delivery of our services, strategies and plans.

6 Finance / Resource Implications

6.1 The financial implications of this decision are limited. Under the Terms of Reference Somerset County Council will act as the Administering Authority for the LGR Joint Committee during the months between its establishment and the creation of the Implementation Executive under the SCO.

6.2 Once established the LGR Joint Committee will have powers, using any delegated budgets, to agree spending commitments during the transition period to support the implementation of the unitary council. However, these commitments will be subject to their own decision-making procedure. It is proposed that the five councils support the LGR Joint Committee with developing a 2023/24 budget for the unitary council.

6.3 The creation of a Joint Committee will place a formal governance structure around the preparations for the implementation of the new unitary council.

7 Legal Implications

7.1 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 council's executive / cabinet.

7.2 Each of the partners' legal teams and Monitoring Officers have been involved in the development of the Terms of Reference. The Terms of Reference set out the membership, functions and operations of the Joint Committee and the requirements upon the Constituent Councils in supporting it.

7.3 The HR implications relate to officer support for the Joint Committee. The Terms of Reference will appoint Somerset County Council as the Administering Authority for the Joint Committee. This activity will impact on the Finance, Legal and Governance service. The main implications will fall on the Monitoring Officer and the Democratic Services Group in terms of administering the meetings of the Joint Committee and the pre-meeting arrangements. In addition, it should be highlighted that collaborative support and advice from Finance, Legal and Governance services within the four district councils and the county council will also be provided to support the LGR Committee.

7.4 The associated costs of supporting the Joint Committee will be met from approved budgets made available for implementation of the unitary council business case.

8 Climate and Sustainability Implications

N/a

9 Safeguarding and/or Community Safety Implications

N/a

10 Equality and Diversity Implications

The Terms of Reference sets out that the Joint Committee will take decisions having regard for Human Rights law and for the Constituent Council's Public Sector Equality Duties. Before making any decision, the Joint Committee will take into account the equalities implications of that decision.

11 Social Value Implications

N/a

12 Partnership Implications

N/a

13 Health and Wellbeing Implications

N/a

14 Asset Management Implications

N/a

15 Data Protection Implications

N/a

16 Consultation Implications

The Terms of Reference have been discussed and endorsed by the Leaders and the Chief Executives of each of the Somerset Councils.

17 Scrutiny Comments

The proposed decision has not been considered by a Scrutiny Committee, however the Chair of Corporate Scrutiny Committee and the Chair of Community Scrutiny have been consulted on the proposals set out in this report.

Democratic Path: Executive

Reporting Frequency: Ad-hoc

List of Appendices

Appendix 1	LGR Joint Committee Terms of Reference
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