

Somerset West and Taunton Council

Full Council – 5 July 2022

Local Government Reorganisation: Re-establishment of the Joint Scrutiny Committee

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

**Report Author: Amy Tregellas, Governance Manager & Monitoring Officer
Kevin William/Lesley Dolan, Deputy Monitoring Officers**

1 Executive Summary / Purpose of the Report

- 1.1 Following the Secretary of State's decision to implement, subject to parliamentary approval, a proposal submitted by Somerset County Council for a single unitary council covering the whole of the administrative county of Somerset, the 5 Somerset Councils agreed to the formation of a Local Government Reorganisation (LGR) Joint Committee and Joint Scrutiny Committee in 2021. The LGR Joint Scrutiny Committee met in January and March 2022 but following the publication of the Structural Changes Order on 17 March 2022 the Joint Scrutiny Committee was dissolved.
- 1.2 Following the recent Somerset County Council elections on 5 May 2022, the main transitional functions in respect of the creation of the new Somerset Council become the responsibility of the Executive of Somerset County Council until 1 April 2023.
- 1.3 The new Somerset County Council held its' AGM on 25 May 2022 where it agreed to re-establish the LGR Joint Scrutiny Committee with the Membership and Terms of Reference being largely the same as those from the original LGR Joint Scrutiny Committee.
- 1.4 As the previous LGR Joint Scrutiny Committee was dissolved Full Council now needs to take the decision to re-establish it. The principal role of the LGR Joint Scrutiny Committee will be to exercise the overview of the LGR Implementation Plan and LGR Implementation Budget on behalf of the Constituent Councils in accordance with the powers outlined in S21 Local Government Act 2000. This report therefore outlines the proposals for the Joint Scrutiny Committee (JSC) and attached at Appendix 1 the proposed Terms of Reference for members consideration.
- 1.5 Full Council is referred specifically to Paragraph 3.1 of the proposed Terms of Reference: this sets out the proposed delegation of functions and the consequential exclusion of functions that would ensue at the District Councils.

2 Recommendations

That the Council:

1. Approves the re-establishment of a Joint Scrutiny Committee together with the County Council and three other District Councils in Somerset constituted in

accordance with and having the roles and responsibilities set out in the Terms of Reference attached at Appendix 1 (“Terms of Reference”).

2. Nominates two Members from the Somerset West and Taunton Council Scrutiny Committees onto the Joint Scrutiny Committee. Such nominations to be politically proportionate and based upon the political makeup of this council, unless otherwise agreed by Full Council, but only where no member of the authority votes against such a proposal.

3 Risk Assessment

- 3.1 The alternative is for the County Council Scrutiny function(s) to scrutinise the decisions of the County Council Executive. However, such an approach would largely exclude the District Scrutiny function from the process.

4 Background and Full details of the Report

Introduction

- 4.1 On 21 July 2021 the Secretary of State announced his decision to implement, subject to parliamentary approval, a proposal submitted by Somerset County Council for a single unitary council covering the whole of the administrative county of Somerset.
- 4.2 Following the Secretary of State’s decision, the Executive of this Council together with the Cabinet/Executives of the Constituent Councils agreed the need for an LGR Joint Committee to be established to provide collaborative democratic oversight for the implementation of the new Unitary Council. The first meeting of that Committee took place on 5 November 2021.
- 4.3 The Terms of Reference for the LGR Joint Committee provided for the setting up of a Joint Scrutiny Committee (“JSC”) to scrutinise the work of the LGR Joint Committee. This Council agreed to the formation of a LGR Joint Scrutiny Committee at its meeting on 19 December 2021 and the Joint Committee itself met twice in early 2022. However, following the publication of the Structural Changes Order on 17 March 2022 the LGR Joint Scrutiny Committee was dissolved. Following the recent Somerset County Council elections on 5 May 2022, the main transitional functions in respect of the creation of the new Somerset Council became the responsibility of the Executive of Somerset County Council until 1 April 2023.
- 4.4 The new Somerset County Council held its’ AGM on 25 May 2022 where it agreed to re-establish the LGR Joint Scrutiny Committee with the Membership and Terms of Reference being largely the same as those from the original LGR Joint Scrutiny Committee.
- 4.5 This report therefore outlines the proposals for the LGR JSC and attaches at Appendix 1 the proposed Terms of Reference for members consideration.

Background

- 4.6 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 from 1 April 2023. Through partnership the programme governance arrangements have been jointly established with oversight and direction from the Somerset Leaders and Chief Executives. In 2021 the Executives of the constituent

councils agreed the Terms of Reference for the LGR Joint Committee and included provision for the creation of a Joint Scrutiny Committee in those Terms of Reference.

- 4.7 In the circumstances the Monitoring Officers of the Constituent Councils prepared the original Terms of Reference which were duly approved. These Terms of Reference set out the various functions that the JSC would exercise on behalf of the Constituent Councils, together with the proposed membership of the JSC and its meeting and voting arrangements.
- 4.8 Following the publication of the Structural Changes Order on 17 March 2022 and the recent Somerset County Council elections on 5 May 2022 the Joint Scrutiny Committee was dissolved, with the main transitional functions in respect of the creation of the new Somerset Council becoming the responsibility of the Executive of Somerset County Council until 1 April 2023.

Proposed Arrangements

- 4.9 At its Annual General Meeting on 25 May 2022 Somerset County Council agreed to re-establish the LGR Joint Scrutiny Committee with the Membership and Terms of Reference being largely the same as those from the original LGR Joint Scrutiny Committee. The re-establishment of the JSC will once again create a collaborative democratic mechanism which will establish a countywide scrutiny framework allowing the Constituent Councils to scrutinise the LGR Programme in an effective and timely manner in relation to the preparation for the establishment of the new Somerset Council.
- 4.10 The proposals set out in this report will also positively respond to Department for Levelling Up Homes and Communities (DLUHC) expectations for collaborative arrangements to be established as early as possible in the implementation programme.
- 4.11 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. The Terms of Reference propose a Joint Scrutiny Committee (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.
- 4.12 Following the initial nomination of 2 Somerset West and Taunton Council representatives at Full Council, if necessary, any subsequent appointments or nomination of substitutes is a matter for the Chair of Scrutiny.
- 4.13 The JSC is proposed to be politically proportionate as shown in the table below. The allocation of the seats has been based on individual councils. This ensures that the political make up of each constituent council is represented and is reflective of the fact that they are currently individual sovereign councils.

	Conservative	Labour	Liberal Democrat	Independent	Green	Other	Total
SCC	36	5	61	3	5	0	110
Seat Allocation	3	-	5	-	-	-	8
Mendip	12	0	23	1	10	1	47
Seat Allocation	1	-	1	-	-	-	2
SW&T	10	3	31	13	2	0	59
Seat Allocation	-	-	1	1	-	-	2
SSDC	14	0	40	5	1	0	60
Seat Allocation	-	-	2	-	-	-	2
Sedgemoor	29	11	7	1	0	0	48
Seat Allocation	2	-	0	-	-	-	2
							269
Total	8	1	6	1	0	0	16

- 4.14 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 Somerset County Council Executive. 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.
- 4.15 The establishment of the JSC will both promote the continued timely and effective overview and scrutiny of the implementation process and 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.
- 4.16 The JSC will undertake the review and scrutiny of decisions made or other actions taken by both the County Council's Executive and the proposed LGR Implementation Board. The membership of the LGR Implementation Board is intended to be largely the same as the original LGR Joint Committee and successor Implementation Executive.
- 4.17 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 websites.
- 4.18 A joint scrutiny committee may only be re-established following each of the Constituent Council's considering that decision at their full council meetings in the summer of 2022.

Recommendations

4.19 That Full Council

1. Approves the re-establishment of a Joint Scrutiny Committee together with the County Council and three other District Councils in Somerset constituted in accordance with and having the roles and responsibilities set out in the Terms of Reference attached at Appendix 1 (“Terms of Reference”).
2. Nominates two Members from the Somerset West and Taunton Council Scrutiny Committees onto the Joint Scrutiny Committee. Such nominations to be politically proportionate and based upon the political makeup of this council, unless otherwise agreed by Full Council, but only where no member of the authority votes against such a proposal.

5 Links to Corporate Strategy

- 5.1 The re-establishment of the LGR Joint Scrutiny Committee will help to ensure that the implementation of the new unitary Council for Somerset is carried out efficiently and that the related decisions of the five councils are collaborative, transparent and democratically accountable.

6 Finance / Resource Implications

- 6.1 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 vesting of the new Somerset Council on 1 April 2023. 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 Unitary Council Financial Implications and S24 Direction Implications

- 7.1 There are no Unitary Council Financial Implications or S24 Direction Implications.

8 Legal Implications

- 8.1 The JSC will act as a Joint Committee under s101 and s102 Local Government Act 1972 and as an overview and scrutiny committee under s21 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 Somerset County Council Executive is concerned.
- 8.2 S15 and s16 of the Local Government and Housing Act 1989 impose a duty to allocate seats on committees in accordance with political balance requirements. S17 allows an exception to be made to the political balance requirements but only where no member of the authority votes against such a proposal.

9 Climate and Sustainability Implications

- 9.1 None arising from this report

10 Safeguarding and/or Community Safety Implications

- 10.1 None arising from this report

11 Equality and Diversity Implications

11.1 None arising from this report

12 Social Value Implications

12.1 None arising from this report

13 Partnership Implications

13.1 None arising from this report

14 Health and Wellbeing Implications

14.1 None arising from this report

15 Asset Management Implications

15.1 None arising from this report

16 Data Protection Implications

16.1 None arising from this report

17 Consultation Implications

17.1 None arising from this report

Democratic Path:

- **Audit, Governance and Standards Committee – No**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: Ad-hoc

List of Appendices

Appendix A	LGR Joint Scrutiny Committee Terms of Reference
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Contact Officers

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