

SCRUTINY BOARD

Agenda Item: 07

Ward: All

Portfolio: Cross Cutting

Report Author(s): The Monitoring Officer

Meeting Date:
16 November 2021

SUBJECT: **Emerging Proposals for a Local Government Reorganisation in Somerset Joint Scrutiny Committee**

| Internal Use Only: Please complete sign off boxes below prior to submission to Democratic Services | | | |
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| Officer Sign off | Seen by: | Name | Date |
| | Chief Executive/ Deputy Chief Executive(s) | Stuart Brown | 08/11/2021 |
| | Legal | Lesley Dolan | 05/11/2021 |
| | Finance | Richard Bates | 05/11/2021 |
| | Group Manager | N/A | |
| Elected Member Sign off | Portfolio Holder/ Leader of the Council | | |
| | Ward Member(s) (if appropriate) | N/A | |
| Summary: | <p>As Members will be aware the Council is working towards the transition to the new authority for Somerset. On 4 October 2021 Cabinet agreed to the establishment of a Local Government Reorganisation in Somerset Joint Committee. The first meeting of that Joint Committee was held on 5 November 2021.</p> <p>In order ensure appropriate checks and balances, the partner Councils confirmed their intention to establish a Joint Scrutiny Committee to run parallel to the Joint Committee.</p> <p>The proposal to create a single unitary Council covering the whole of the administrative county of Somerset will be laid before Parliament during January 2022, taking effect from March 2022. The Structural Change Order (SCO) will establish an Implementation Executive which will be responsible for preparing for and facilitating the transfer of each of the Somerset Councils (Mendip District Council, Sedgemoor District Council, Somerset County Council, Somerset West & Taunton Council and South Somerset District Council) functions, property, assets, rights, liabilities and investments to the unitary Council. It also allows for the establishment of a Joint Scrutiny Committee.</p> <p>In advance of that i.e., between now and March 2022 there are a number of actions and decisions that will need to be taken by the</p> | | |

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| | <p>existing District Councils and the County Council 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 Department for Levelling Up, Housing and Communities (DLUHC) (formerly the Ministry for Housing, Communities and Local Government (MHCLG)) is needed. Work has already commenced. The Leaders of each of the Constituent Councils have endorsed the need for a joint committee to be established to provide collaborative democratic oversight and transparency for these actions and decisions as well as a Joint Scrutiny Committee.</p> <p>Further information will be provided verbally by the Monitoring Officer at Scrutiny Board.</p> |
| Recommendation: | <p>Scrutiny Board is asked to:</p> <ol style="list-style-type: none"> 1. Note the comments of the Monitoring Officer 2. Consider options going forward. |
| Direct and/or indirect impact on service delivery to our customers and communities: | <p>The establishment of the LGR Joint Scrutiny Committee will help to ensure that the decisions taken by the Local Government Reorganisation in Somerset Joint Committee have the appropriate checks and balances to ensure the transition is carried out efficiently and that the related decisions of the five Councils are collaborative, transparent and democratically accountable.</p> |
| Contribution to Corporate Priorities: | <p>The establishment of the LGR Joint Scrutiny Committee will reinforce 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.</p> <p>This decision is intrinsically linked to the recently adopted Corporate Delivery Plan and specifically to the theme of <i>Transition - First Phase</i>, regarding Local Government Reorganisation in Somerset.</p> |
| Legal Implications: | <p>The LGR Joint Scrutiny Committee will be a joint committee of the Constituent Councils for the purposes of Section 101 (5) of the Local Government Act 1972 and Part 1A, Chapter 2 of the Local Government Act 2000. The provisions applicable to joint committees will apply to the LGR Joint Scrutiny Committee. In addition, the Joint Scrutiny Committee will need to be politically balanced in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. The LGR Joint Scrutiny 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, in line with the emerging terms of reference, and proposed Joint Scrutiny Committee arrangements will require approval by each respective Full Council.</p> |
| Financial Implications: | <p>The financial implications of this decision are limited. Under the Terms of Reference, the administration of the meeting is open to any of the Constituent Councils. This is yet to be determined.</p> |

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| | Once established the LGR Joint Scrutiny Committee will have powers to review the decisions and activity undertaken by the Local Government Reorganisation in Somerset Joint Committee, on behalf of all of the member Councils to support the implementation of the unitary Council. |
| Climate Change Risk and Opportunities: | None as a result of this report |
| Impact on Service Plans: | No impact on service plans as a result of this report although Members are asked to note the anticipated and significant draw on Officer resource for the entire transition period. |
| Value for Money: | The establishment of the LGR Joint Scrutiny Committee will provide a useful accountability check to ensure the timely and effective transition to a single unitary authority for Somerset, following the Secretary of State's decision in July 2021. |
| Equalities Implications: | The Terms of Reference for the Joint Scrutiny Committee will set out that the Joint Scrutiny Committee will make recommendations having regard to the Human Rights Act 1998 and the Constituent Council's public sector equality duties, under the Equalities Act 2010. Before making any recommendations, the Joint Scrutiny Committee will consider the equalities implications of that decision. |
| Risk Assessment and Adverse Impact on Corporate Actions: | The alternative is for the Constituent Councils to continue to review the progress individually. However, such an approach would inevitably slow progress and lead to dysfunctional and unwieldy activity. It could also lead to discrepancies in the approaches adopted by each Council and prolong the process |

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List of background Papers:

Cabinet on 4 October 2021, Item 7

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