

CABINET

Agenda Item: 7

Ward: All

Portfolio: Cross Cutting

Report Author(s): Head of Law & Governance Services and The Monitoring Officer

Meeting Date: 20 June 2022

SUBJECT: Establishment of an Implementation Board in Somerset for Local Government Reorganisation

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	Seen by:	Name	Date
Officer Sign off	Chief Executive/ Deputy Chief Executive(s)	Stuart Brown	09/06/2022
	Legal	Lesley Dolan	08/06/2022
	Finance	Richard Bates	09/06/2022
	Group Manager	N/A	
Elected Member Sign off	Portfolio Holder/ Leader of the Council	Cllr Ros Wyke	09/06/2022
	Ward Member(s) (if appropriate)	N/A	
Summary:	<p>On 17 March 2022 the Secretary of State made the Somerset (Structural Changes) Order 2022 (the SCO). The SCO sets out the mechanism for the reorganisation of local government and the establishment of a single unitary council in Somerset on 1 April 2023. The SCO further provides that during the period from 10 May 2022 until 31 March 2023 the Executive of Somerset County Council will be responsible for:</p> <ul style="list-style-type: none"> • preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities (the Main Transitional Function); and • any other executive function specified by the Secretary of State in orders made under sections 7 or 20 of the Local Government and Public Involvement in Health Act 2007 or in regulations made under section 14 of that act (the Article 7 Functions). <p>Prior to the publication of the SCO the 5 Councils in Somerset agreed to the establishment of an LGR Joint Committee which was later superseded by the Implementation Executive. Both bodies had the same membership and remit and ensured that all Somerset Councils were engaged in the decision making around the establishment of the new Somerset Council.</p>		

	<p>Following the Somerset County Council elections on 5 May 2022 the responsibility for overseeing the creation of the new Council and the transfer of functions passed to the Executive of Somerset County Council. While that responsibility cannot be delegated the Executive of SCC has confirmed that it wishes to establish a mechanism that ensures the District Councils remain involved in the decision-making process. Therefore, the proposal is that an Implementation Board, based on the same make-up as the former LGR Joint Committee/Implementation Executive, is established to monitor the reorganisation programme in Somerset and provide advice and recommendations on its implementation to the Executive of Somerset County Council. The draft Terms of Reference can be found at Appendix 1.</p>
Recommendation:	<p>That Cabinet is asked to:</p> <ol style="list-style-type: none"> 1. Agree to the establishment of a Local Government Reorganisation Implementation Board together with the other Somerset Councils constituted in accordance with, and having the functions set out in, the terms of reference attached at Appendix 1 (“Terms of Reference”). 2. Confirm the Mendip District Council nomination to the Implementation Board
Direct and/or indirect impact on service delivery to our customers and communities:	<p>The establishment of the LGR Implementation Board will help to ensure that the creation 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.</p>
Contribution to Corporate Priorities:	<p>The establishment of the LGR Implementation Board will create a collaborative democratic mechanism which will establish a governance framework allowing the Constituent Councils (the County Council and four District Councils) to offer effective and timely advice and recommendations 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 Implementation Board will not be a decision-making body. While the Executive of Somerset County Council will receive advice from the Implementation Board it will not be bound by its recommendations.</p>
Financial Implications:	<p>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 Implementation Board during the months between its establishment and the vesting of the new Somerset Council.</p>
Climate Change Risk and Opportunities:	<p>None as a result of this report</p>
Impact on Service Plans:	<p>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.</p>

Value for Money:	The establishment of the LGR Implementation Board will promote 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 sets out that the Implementation Board will make recommendations having regard for Human Rights law and for the Constituent Council's Public Sector Equality Duties. Before making any recommendations, the Implementation Board will take into account the equalities implications of that decision.
Risk Assessment and Adverse Impact on Corporate Actions:	The alternative is for Mendip District Council not to engage in the Implementation Board, however this would be contrary to its duty of collaboration as regards the establishment of the new Somerset Council.
Scrutiny Recommendation (if any)	N/A

INTRODUCTION

This report seeks authority to establish an Implementation Board with representation from all five Somerset Councils (Mendip District Council, Sedgemoor District Council, Somerset County Council, Somerset West & Taunton Council and South Somerset District Council) to monitor the reorganisation programme in Somerset and provide advice and recommendations on its implementation to the Executive of Somerset County Council. This Implementation Board will operate between now and vesting day of the new Somerset Council on 1st April 2023.

BACKGROUND

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.

On 17 March 2022 the Secretary of State made the Somerset (Structural Changes) Order 2022 (the SCO). The SCO sets out the mechanism for the reorganisation of local government and the establishment of a single unitary council in Somerset on 1 April 2023. The SCO further provides that during the period from 10 May 2022 until 31 March 2023 the Executive of Somerset County Council will be responsible for:

- preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities (the Main Transitional Function); and
- any other executive function specified by the Secretary of State in orders made under sections 7 or 20 of the Local Government and Public Involvement in Health Act 2007 or in regulations made under section 14 of that act (the Article 7 Functions).

Prior to the publication of the SCO the 5 Councils in Somerset agreed to the establishment of an LGR Joint Committee which was later superseded by the Implementation Executive. Both bodies had the same membership and remit and ensured that all Somerset Councils were engaged in the decision making around the establishment of the new Somerset Council.

Following the Somerset County Council elections on 5 May 2022 the responsibility for overseeing the creation of the new Council and the transfer of functions passed to the Executive of Somerset County Council. While that responsibility cannot be delegated the Executive of SCC has confirmed that it wishes to establish a mechanism that ensures the District Councils remain involved in the decision-making process.

Therefore, the proposal is that an Implementation Board, based on the same make-up as the former LGR Joint Committee/Implementation Executive, is established to monitor the reorganisation programme in Somerset and provide advice and recommendations on its implementation to the Executive of Somerset County Council. The draft Terms of Reference can be found at Appendix 1.

CONTEXT

The establishment of the LGR Implementation Board will create a collaborative democratic mechanism which will institute a governance framework allowing the

Constituent Councils (the County Council and four District Councils) to offer effective and timely advice and recommendations in relation to the preparation for the establishment of the unitary council in Somerset.

FUNCTION

In line with the SCO and the intentions of the new Administration of Somerset County Council this paper recommends the creation Implementation Board to monitor the programme and provide advice and recommendations on its implementation to the Executive of Somerset County Council.

To provide oversight on behalf of Somerset County Council's Executive in relation to the implementation of a single tier of local government in Somerset and any related matters, namely:

- Ensure delivery of "effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities."
- Hold, oversee delivery and keep under review an Implementation Plan (approved by the SCC Executive Committee) including plans, timetables and budgets that support delivery of the new unitary council's functions on (or after) 1 April 2023
- Overseeing development of the new council's Constitution and the Schemes of Delegation
- Overseeing plans to align existing change activities across the councils
- Having regards to the business case approved by the Secretary of State, this means there is scope within it for flexibility to reflect changes in emphasis.

OPERATION AND MEMBERSHIP

The Terms of Reference confirm the appointment of Somerset County Council as the Administering Authority for the Implementation Board. The full Terms of reference can be found at Appendix 1 and proposals for membership suggest a Board of 9 Members made up of:

- 3 members of Somerset County Council nominated by the Leader of that Council;
- 2 members of Somerset County Council nominated by the leader of that Council's largest Opposition political group;
- 1 member of each of the 4 district councils nominated by the leader of that council.

RECOMMENDATION

That Cabinet is asked to:

1. Agree to the establishment of a Local Government Reorganisation Implementation Board together with the other Somerset Councils constituted in accordance with, and having the functions set out in, the terms of reference attached at Appendix 1 ("Terms of Reference").
2. Confirm the Mendip District Council nomination to the Implementation Board

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Appendix 1: Local Government Reorganisation Implementation Board Terms of Reference

List of background Papers:

None