



Establishment of an Implementation Board in Somerset for the implementation of local government reorganisation

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Purpose of the Report

1. To seek approval for the establishment of an Implementation Board with Mendip District Council, Sedgemoor District Council, Somerset County Council and Somerset West and Taunton District Council (collectively, with the addition of South Somerset District Council, the Constituent Councils) to monitor the reorganisation programme in Somerset and provide advice and recommendations on its implementation to the Executive of Somerset County Council. The Implementation Board will operate between now and the vesting day of the new Somerset Council on 1 April 2023.

Recommendations

2. That:
 - (i) the District Executive recommend that the Chief Executive agree to the establishment of the Implementation Board with representation from the Constituent Councils, constituted in accordance with and having the functions set out in the Terms of Reference attached as Appendix 1
 - (ii) the District Executive note the Leader's appointment of Councillor John Clark to the Implementation Board.

Background

3. Following the Secretary of State's announcement that there would be a single unitary council for Somerset with effect from 1 April 2023, the Constituent Councils set up the LGR Joint Committee to enable decisions to be taken collectively and in an efficient and timely manner within a collaborative and democratic governance framework.
4. Following the Somerset County Council elections on 5 May 2022 responsibility for overseeing the creation of the new Council and the transfer of functions passed to the Executive of Somerset County Council. Although 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. The establishment of the LGR Implementation Board (the Board) will create a collaborative democratic mechanism and a governance framework



South Somerset District Council

that allows the Constituent Councils to offer effective and timely advice and recommendations in relation to the preparation for the establishment of the unitary council in Somerset.

5. The proposal is that a Board, similar to 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, with the main functions of the Board set out in paragraph 17 as follows:
 - Monitor and make recommendations to Somerset County Council's Executive on the delivery of the Implementation Plan for the unitary council;
 - Review and make recommendations to Somerset County Council's Executive on the allocation of revenue and capital expenditure to be made for delivery of the Implementation Plan by the Executive of Somerset County Council.
 - Review and make recommendations to Somerset County Council's Executive on submissions to DLUHC in relation to the preparation orders and directions consequential to the SCO including those dealing with civic and ceremonial matters. This includes all matters relating to the transition of mayors, sheriffs, chartered trustees and insignia.
 - Review and make recommendations to Somerset County Council's Executive on the development of the Constitution and the Schemes of Delegation for the unitary council to be established in Somerset;
 - Review and make recommendations to Somerset County Council's Executive on plans to align existing change activities across the councils;
 - Review and make recommendations to Somerset County Council's Executive on the development of the unitary council's annual budget 2023/24 and the associated medium term financial plan;
 - Review and make recommendations to Somerset County Council's Executive on the 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.
 - Consult on (with the expectation that any comments arising from that consultation will be taken into consideration by the councils' executives in respect of the recommendations that they make to their full council):
 - o 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
 - o 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.
 - Make recommendations on all of the above to the Executive of Somerset County Council.



South Somerset District Council

6. Board meetings will be open to the public and will take place in venues around the county.

Legal Implications

7. 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.

Financial Implications

8. 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.

Risk

9. The creation of the Board places a formal and collaborative governance structure around the preparations for the implementation of the new unitary council. This should enable a transparent, open, democratic and accountable culture around LRR and reduce risk.

Carbon Emissions and Climate Change Implications

10. There are no carbon emissions or climate change implications in this report.

Equality and Diversity Implications

11. Under the Terms of Reference, the Implementation Board is required to take decisions having regard for Human Rights law and for the Constituent Councils' Public Sector Equality Duties.

Privacy Impact Assessment

12. There are no privacy impact implications

Background Papers

Report to DX October 2021
Report to SCC May 2022

Appendix 1

Local Government Reorganisation Implementation Board Terms of Reference

Purpose

1. 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).
2. The LGR Implementation Board (the Implementation Board) will monitor the reorganisation programme in Somerset and provide advice and recommendations on its implementation to the Executive of Somerset County Council. The Implementation Board will have the responsibilities set out in paragraph 17.
3. The Implementation Board will make recommendations 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.



South Somerset District Council Term

4. The Implementation Board will exist until 31 March 2023.

Membership and voting

5. The Implementation Board will be made up of 9 members drawn from the Legacy Councils as follows:
 - 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 their respective council.
6. Each member will have one vote.
7. In the event of a member of the Implementation Board ceasing to be a member of their appointing council, the person responsible for their nomination to the Implementation Board shall nominate another member in their place.
8. Each person nominating a member of the Implementation Board may designate another member 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 Implementation Board. 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 leaders to appoint their members/substitutes.
10. The Chairperson will be the County Council's Lead Member for Local Government Reorganisation & Prosperity. The Vice Chairperson of the Implementation Board will be elected by the Implementation Board at its inaugural meeting. If neither the Chairperson nor the Vice Chairperson are present, the Implementation Board will elect a Chairperson for the meeting from the members present.
11. The quorum for the Implementation Board 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 Implementation Board and provide all necessary governance support.



South Somerset District Council

13. The Implementation Board 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 Implementation Board the standing orders of the Implementation Board will be those of Somerset County Council. The Implementation Board may at any time approve its own set of standing orders which will take effect thereafter or at such other time as the Implementation Board may determine.
16. Meetings of the Implementation Board could take place in a number of locations around the county of Somerset. The Implementation Board will determine a programme of meeting locations for the period of its constitution at its inaugural and/or subsequent meetings.

Functions

17. The Implementation Board will:
 - Monitor and make recommendations to Somerset County Council's Executive on the delivery of the Implementation Plan for the unitary council;
 - Review and make recommendations to Somerset County Council's Executive on the allocation of revenue and capital expenditure to be made for delivery of the Implementation Plan by the Executive of Somerset County Council.
 - Review and make recommendations to Somerset County Council's Executive on submissions to DLUHC in relation to the preparation orders and directions consequential to the SCO including those dealing with civic and ceremonial matters. This includes all matters relating to the transition of mayors, sheriffs, chartered trustees and insignia.
 - Review and make recommendations to Somerset County Council's Executive on the development of the Constitution and the Schemes of Delegation for the unitary council to be established in Somerset;
 - Review and make recommendations to Somerset County Council's Executive on plans to align existing change activities across the councils;
 - Review and make recommendations to Somerset County Council's Executive on the development of the unitary council's annual budget 2023/24 and the associated medium term financial plan;
 - Review and make recommendations to Somerset County Council's Executive on the development of policies for the unitary council and



South Somerset District Council

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.

- Consult on (with the expectation that any comments arising from that consultation will be taken into consideration by the councils' executives in respect of the recommendations that they make to their full council):
 - o 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
 - o 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.
- Make recommendations on all of the above to the Executive of Somerset County Council.

Links between the Implementation Board 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 Executive of Somerset County Council in relation to the implementation of the unitary council in Somerset.
 19. The Executive of Somerset County Council will receive advice from the Implementation Board but for the avoidance of doubt will not be bound by its recommendations.
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