

Taunton Deane Borough Council

Full Council - 10 July 2018

Inter Authority Agreement and Constitutional Matters

This matter is the responsibility of the Monitoring Officer

Report Author: Bruce Lang, Assistant Chief Executive and Monitoring Officer

1 Executive Summary / Purpose of the Report

- 1.1 To amend the terms of the Inter Authority Agreement between Taunton Deane Borough Council and West Somerset by the dissolution of the Joint Partnership Advisory Group (JPAG) following the establishment of the Shadow Council arrangements.
- 1.2 In recognition of the change of circumstances following the establishment of the Shadow Council arrangements and in particular to the establishment of a Shadow Scrutiny Committee, to consider amending Article 9 of the Constitution to facilitate the dissolution of the existing two Scrutiny Committees and constitute one Scrutiny committee to undertake the overview and scrutiny function on behalf of the Council for the period until 31 March 2019.

2 Recommendations

- 2.1 That the Inter Authority Agreement between TDBC and WSC be amended by the dissolution of JPAG with the review and monitoring of the Implementation Plan being undertaken through the Shadow Council Governance arrangements.
- 2.2 That Article 9 and other relevant provisions of the Constitution be amended to facilitate the dissolution of the existing two existing Scrutiny Committees and the establishment of one Scrutiny committee to undertake the overview and scrutiny function on behalf of the Council for the period until 31 March 2019.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
Risk: There will be a deficit in the monitoring and review of progress on the implementation plan and transformation programme in the absence of JPAG.	4	4	16

Description	Likelihood	Impact	Overall
<i>Mitigation: The Implementation Plan and Transformation Programme will be monitored and reviewed through the Shadow Council Governance arrangements.</i>	1	4	4

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 The Inter Authority Agreement entered into between TDBC and WSC in November 2013 included the establishment of JPAG to oversee the partnership arrangements and in 2016 its terms of reference were amended to cover the overseeing of the approved Transformation Programme and the creation of a new council.
- 4.2 Matters have now moved on and following the making of the Somerset West and Taunton (Modification of Boundary Change Enactments) Regulations 2018 and

the Somerset West and Taunton (Local Government Changes) Order 2018 on 25 May, 2018, the Somerset West and Taunton Somerset Council came into being on 26 May 2018.

- 4.3 The Order requires the Shadow Council to prepare and keep under review an Implementation Plan to ensure that the new council is properly established on 1 April 2019. The Shadow Council at its first meeting held on 7 June 2018 duly agreed a governance structure, including a Shadow Executive, a Shadow Scrutiny Committee and New Council Working Group to ensure that mechanisms are in place for member engagement and decision making in this process going forward.
- 4.4 As members will be aware, the creation of the new council is one work stream within the wider transformation programme which has been running for approximately 18 months with progress having been reported to JPAG. Now that the Shadow Council governance arrangements are in place which can cover the overseeing of Transformation and the creation of the new council, JPAG has become surplus to requirements. The rationale to this was explained to Group Leaders via a briefing note on 4 May 2018, subsequently available to all members, and included as part of a presentation at a Making a Difference event (open to all Members of both Taunton Deane and West Somerset Councils) held on 30 May 2018.
- 4.5 The Inter Authority Agreement may be varied at any time by the written agreement of the authorities and therefore both TDBC and WSC are recommended to amend the Inter Authority Agreement by the dissolution of JPAG, with the Shadow Executive assuming the role of facilitating member oversight of Transformation activity.
- 4.6 As members will appreciate, with the establishment of the Shadow Council and its committees this will place further pressures of time on members and officers. In particular, there are now currently four (including the West Somerset Scrutiny Committee) scrutiny committees for the one team of officers to support and there is not capacity within the current structure to do this. Equally, elements of Scrutiny activity that is currently undertaken by the individual authorities – for example reviewing and commenting on emerging budget plans – will be the responsibility of the Shadow Scrutiny Committee thus reducing the need for ‘routine’ reports to existing Scrutiny meetings. The proposal to reduce the number of TDBC Scrutiny Committees from two to one was shared with the TDBC Scrutiny Chairs on 2 May 2018, and via a briefing note to all Group Leaders on 4 May 2018, which was subsequently available to all members and presented to the Making a Difference event on 30 May 2018.
- 4.7 It is therefore recommended that the Constitution is amended to facilitate the dissolution of the existing two Scrutiny Committees and the establishment of one Scrutiny committee, consisting of 15 seats allocated on a politically proportional basis (9 Conservatives, 4 Liberal democrats, 1 Independent and 1 Labour) to undertake the overview and scrutiny function on behalf of the Council for the period

until 31 March 2019. In the event of this proposal being agreed, Group Leaders will be requested to put forward their nominations to sit on the Scrutiny Committee

5 Links to Corporate Aims / Priorities

- 5.1 The successful implementation of the new Council will ensure the delivery of all Corporate Aims and Objectives and will support the process for creating a fresh set of priorities to meet the needs of the new council area.

6 Finance / Resource Implications

- 6.1 None in respect of this report with the intention being to support the work of the Shadow Council from existing resources with a shifting focus as the creation of the new Council approaches on 1 April 2019.
- 6.2 If it is decided not to reduce the number of Scrutiny Committees then consideration will need to be given to funding additional support to sustain four scrutiny committees across the three councils and to consider scheduling meetings during normal office hours to assist with availability of officers and deputies to meet the additional demand.

7 Legal Implications

- 7.1 The proposed recommendations will ensure that the proposed actions are in line with the Inter Authority Agreement and TDBC Constitution respectively.

8 Environmental Impact Implications

- 8.1 None in respect of this report.

9 Safeguarding and/or Community Safety Implications

- 9.1 None in respect of this report.

10 Equality and Diversity Implications

- 10.1 None in respect of this report.

11 Social Value Implications

- 11.1 None in respect of this report

12 Partnership Implications

- 12.1 The Inter Authority Agreement between TDBC and WSC will remain in place as amended (should Recommendation 2.1 be adopted) until 31 March 2019.

13 Health and Wellbeing Implications

13.1 None in respect of this report.

14 Asset Management Implications

14.1 None in respect of this report

15 Consultation Implications

15.1 Members have had prior notice and discussion of the proposal as set out in paragraphs 4.4 and 4.6 of the report.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: Once Only

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