

SWT Special Executive

Tuesday, 5th July, 2022,
4.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

Members: Federica Smith-Roberts (Chair), Derek Perry (Vice-Chair), Benet Allen, Chris Booth, Dixie Darch, Caroline Ellis, Mike Rigby, Francesca Smith, Andrew Sully and Sarah Wakefield

Agenda

1. Apologies

To receive any apologies for absence.

2. Declarations of Interest

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

3. Public Participation - To receive only in relation to the business for which the Extraordinary Meeting has been called any questions, statements or petitions from the public in accordance with Council Procedure Rules 14,15 and 16

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

4. Establishment of an Implementation Board in Somerset for Local Government Reorganisation

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

(Pages 5 - 16)

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

**ANDREW PRITCHARD
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded and webcast. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

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The meeting rooms, including the Council Chamber at The Deane House, are on the first floor and are fully accessible. Lift access to The John Meikle Room (Council Chamber), is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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Report Number: SWT 94/22

Somerset West and Taunton Council

Special Executive – 5 July 2022

Establishment of an Implementation Board in Somerset for Local Government Reorganisation

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

Report Author: Amy Tregellas, Governance Manager & Monitoring Officer, Kevin Williams and Lesley Dolan, Deputy Monitoring Officers

1 Executive Summary / Purpose of the Report

- 1.1 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).
- 1.2 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.
- 1.3 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.

2 Recommendations

That the Executive:

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 Somerset West and Taunton Council nomination to the Implementation Board

3 Risk Assessment

- 3.1 The alternative is for Somerset West and Taunton 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.

4 Background and Full details of the Report

Introduction

- 4.1 This report seeks authority to establish an Implementation Board with representation from all five Somerset Councils (Somerset West and Taunton Council, Mendip District Council, Sedgemoor District Council, Somerset County 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 1 April 2023.

Background

- 4.2 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.
- 4.3 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).
- 4.4 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.
- 4.5 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.

- 4.6 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

- 4.7 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

- 4.8 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.
- 4.9 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

- 4.10 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.

Recommendations

- 4.11 That the Executive:

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 Somerset West and Taunton Council nomination to the Implementation Board

5 Links to Corporate Strategy

- 5.1 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.

6 Finance / Resource Implications

- 6.1 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 on 1 April 2023.

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 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.

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 – Yes**
- **Full Council – No**

Reporting Frequency: Ad-hoc

List of Appendices

Appendix A	LGR Implementation Board Terms of Reference
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Contact Officers

Name	Amy Tregellas
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Appendix B

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.

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.
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 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):
 - 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
 - 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.

