

Somerset West and Taunton Council

Full Council – 7 December 2021

Local Government Reorganisation: Joint Scrutiny Committee

This matter is the responsibility of Executive Councillor Federica Smith-Roberts – Leader of the Council

Report Author: Kevin Williams – Deputy Monitoring Officer

1 Executive Summary / Purpose of the Report

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.

Following the Secretary of State's decision, the Executive of this Council together with the Cabinet/Executives of Somerset County Council, Mendip District Council, South Somerset District Council and Sedgemoor District Council ("the Constituent Councils") agreed the need for a Local Government Reorganisation (LGR) Joint Committee to be established to provide collaborative democratic oversight for the implementation of the new Unitary Council and the first meeting of that Committee took place on 5 November 2021.

The Terms of Reference for the LGR Joint Committee provided for the setting up of a Joint Scrutiny Committee (JSC) to scrutinise the work of the LGR Joint Committee. This report therefore outlines the proposals for the Joint Scrutiny Committee and attaches at Appendix 1 the proposed Terms of Reference for members consideration.

2 Recommendations

- 2.1 That the Council approves the establishment of a Joint Scrutiny Committee together with the County Council and three other District Councils in Somerset constituted in accordance with and having the roles and responsibilities set out in the Terms of Reference attached at Appendix 1 ("Terms of Reference").
- 2.2 That the Council nominates two (Districts) Members of the relevant overview and scrutiny committee onto the Joint Scrutiny Committee such nominations to be politically proportionate and based upon the political makeup of this council (this would mean at Somerset West and Taunton - 1 Liberal Democrat and 1 Independent Group nominee, as set out in section 4 of the report).

3 Risk Assessment (if appropriate)

What are the negative impacts/risks in this report	What are the positive impacts/risks in this report	What are you going to do about the impacts? What actions will be put into place?	Outcome Low risk – Green Moderate to high risk – Amber High/very high risk - Red
That the LGR Joint Committee will not be effectively scrutinised.	Ability to scrutinise the work of the LGR Joint Committee in an agile way without creating additional work and duplication	Creation of one Joint Scrutiny Committee to scrutinise the LGR Joint Committee in accordance with the Terms of Reference at Appendix 1	Green – Low Risk

4 Background and Full details of the Report

Following the Secretary of State’s decision, extensive collaborative work has been undertaken by the five councils to support the implementation of the single unitary council in April 2023. Through partnership the programme governance arrangements have been jointly established with oversight and direction from the Somerset leaders and chief executives. The Executives have agreed the Terms of Reference for the LGR Joint Committee and included provision for the creation of a JSC in those Terms of Reference.

In the circumstances the Monitoring Officers of the Constituent Councils have together prepared the draft Terms of Reference at Appendix 1 for Members consideration and approval. These Terms of Reference set out the various functions that the JSC will exercise on behalf of the Constituent Councils, together with the proposed membership of the JSC and its meeting and voting arrangements.

Current Position

The establishment of the JSC will create a collaborative democratic mechanism which will establish a countywide scrutiny framework allowing the Constituent Councils to scrutinise the LGR Joint Committee in an effective and timely manner in relation to the preparation for the establishment of the unitary council in Somerset.

The proposals set out in this report will also positively respond to the Department for Levelling Up, Housing and Communities expectations for collaborative arrangements to be established as early as possible in the implementation programme.

Joint scrutiny committee arrangements are already well established by the five councils such as the Heart of the South West Joint Committee and the Somerset Waste Board.

The Terms of Reference propose a JSC of sixteen members drawn from the relevant overview and scrutiny committees of the Constituent Councils, eight from the County Council and two from each of the District Councils (eight in total) with the Chair being

appointed from the District membership and the Vice Chair from the County membership. The JSC to be politically proportionate as follows:-

	Conservative	Labour	Liberal Democrat	Independent	Green	No Party	Other	
Somerset County Council	33	3	14		2	2	1	55
Seat allocation	5	1	2					
Mendip	12	0	23		1	10	1	47
Seat allocation	1		1					
Somerset West & Taunton	10	3	31		13	2	0	59
Seat allocation			1	1				
South Somerset	14	0	40		5	1	0	60
Seat allocation			2					
Sedgemoor	29	11	7		1	0	0	48
Seat allocation	2	0	0	0	0	0		
Tota	8	1	6		1	0		

Allocation of the above seats has been based on individual councils. This ensures the political make up of each constituent council is represented and is reflective of the fact that the Constituent Councils are currently individual sovereign councils.

The above calculation in respect of Somerset West and Taunton Council is based on the following premise. A notice was served prior to the Annual Council meeting in 2019. This notice recorded that the Independent and Green Councillors had formed a joint group on the Council.

Any 5 members of the Constituent Councils, to include members from at least 3 of the Constituent Councils, may request a call-in of a decision of the LGR Joint Committee. The Chair and the Vice Chair of the JSC will consider call-in requests and will reach a conclusion as to whether to accept or reject the call-in in accordance with the criteria set out in the Terms of Reference and after taking advice from the Scrutiny Officer and Monitoring Officer of Somerset County Council.

The establishment of the JSC will both promote the timely and effective overview and scrutiny of the implementation process and ensure that all Councils can play an important role in helping shape the direction of the implementation process but without leading to duplication and delay.

The JSC will also be consulted and have an opportunity to make representations to the LGR Joint Committee in relation to budget setting for the new Unitary and any medium-term financial plans.

The JSC meetings will be open to all elected members of the five councils, the public, partners and press to attend in venues around the county. Agendas, reports and minutes of the Committee will be published on the County Council's website along with details of meeting locations and times. The District Councils will publish a link to agendas on their website.

A joint scrutiny committee may only be established following each of the Constituent

Council's considering that decision at their full council meetings in November/December. Subject to approval, the first meeting of the JSC would take place in late December or early January.

5 Links to Corporate Strategy

The establishment of the JSC will assist in promoting the timely and effective implementation of the proposal approved by the Government and in ensuring that the work of the LGR Joint Committee is appropriately scrutinised.

6 Finance / Resource Implications

Under the Terms of Reference Somerset County Council will act as the Administering Authority for the JSC during the months between its establishment and the creation of the Implementation Executive under the Structural Change Order. The District Council Scrutiny Officers will work closely with the County Scrutiny Officer in developing the work programme and supporting the JSC. The associated costs of supporting the JSC will be met from approved budgets made available for implementation of the unitary council business case.

7 Legal Implications

The JSC will act as a Joint Committee under s 101 and s 102 Local Government Act 1972 and as an overview and scrutiny committee under s 21 Local Government Act 2000 (as amended). This will be to the exclusion of the Constituent Councils own overview and scrutiny arrangements as far as the work of the LGR Joint Committee is concerned.

Each of the partners' legal teams and Monitoring Officers have been involved in the development of the Terms of Reference. The Terms of Reference set out the membership, role, duties and responsibilities of the JSC and the requirements upon the Constituent Councils in supporting it.

S15 and S16 of the Local Government and Housing Act 1989 impose a duty to allocate seats on committees in accordance with political balance requirements. S17 allows an exception to be made to the political balance requirements but only where no member of the authority votes against such a proposal.

8 Climate and Sustainability Implications

N/a

9 Safeguarding and/or Community Safety Implications

N/a

10 Equality and Diversity Implications

Analysis undertaken for:	Creation of Joint Scrutiny Committee	Date undertaken: 10 November 2021
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Scope	<i>Draft report and Terms of Reference reviewed by the County and District Monitoring Officers</i>
Evidence used	<i>Consultation with the Leaders and Chief Executives</i>
Key findings and impacts	<i>None</i>
Conclusion drawn	<i>No impacts identified</i>
Actions	<i>Not applicable</i>
Signed off by	<i>Melanie Wellman, Monitoring Officer</i>

11 Social Value Implications

N/a

12 Partnership Implications

To approve the Terms of reference for the JSC.

Not to approve the Terms of Reference for the JSC. This would mean that the Constituent Councils would scrutinise the Joint Committee individually. Such an approach would create additional work, duplication and inevitably slow progress.

13 Health and Wellbeing Implications

There are no direct health and wellbeing implications to the recommendations in this report

14 Asset Management Implications

N/a

15 Data Protection Implications

N/a

16 Consultation Implications

The Terms of Reference have been considered by the Leaders and Chief Executives of the five councils.

17 Conclusion

Members are invited to consider the recommendations in this report to create a joint scrutiny function to oversee the LGR Joint Committee.

Democratic Path:

- **Scrutiny – No**
- **Executive – No**
- **Full Council – Yes – 7 December 2021**

Reporting Frequency: Ad-Hoc

List of Appendices (background papers to the report)

Appendix 1	Draft JSC Terms of Reference
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