

# 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publication of the SCO the 5 Councils in Somerset agreed to the establishment of an LGR Joint Committee which was later superseded by the Implementation Executive.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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