

SINGLE UNITARY DISTRICT COUNCIL
Councillor Angela Macpherson
Leader of the Council

1 Purpose

- 1.1 To note the Secretary of State's decision regarding Modernising Local Government in Buckinghamshire, and to provide a response to the Secretary of State on urgent issues.

2 Recommendations/for decision

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| 2.1 | To note the Secretary of State's decision in favour of a Single Unitary District Council for Buckinghamshire issued on the 1 Nov 2018 (Annex A & B) |
| 2.2 | Support the delaying of the 2019 May elections for one cycle so that the next election will take place to the new council in May 2020, which will also impact on Town and Parish Council elections. |
| 2.3 | Support the suggested modification to the proposal from 2 to 3 member wards for the new council from 2020 (meaning 147 members for the new council) on the understanding that the Boundary Commission for England is likely to review this in the first term. |
| 2.4 | Delegate the wording of the representations to be made to the Minister for Housing, Communities and Local Government in response to the Written Ministerial Statement (WMS) and the proposed content of the Structural Change Orders on single tier arrangements for Buckinghamshire to the Chief Executive in consultation with the Leader. |

3 Supporting information

- 3.1 This Special meeting has been called due to the need to comply with a request for comment from the Secretary of State on a number of limited issues regarding the drafting of the Orders for the creation of a Single Unitary District Council for the area by the deadline of 30 November 2019.
- 3.2 This is a fast and evolving process, which changes rapidly. The Leader will update Council at the beginning of the meeting on the latest position.
- 3.3 At the meeting of Council on 16 January 2017 it was agreed to submit a unitary bid to the Secretary of State to deliver a two unitary model for the County. In September 2016 the County Council submitted a case for a single unitary model. This report does not present the bids in any way, but members are advised to read the Council report of 16 January 2017 if they require further background. At its meeting of 21 March 2018 following a 'minded to' decision from the Secretary of State, the Council agreed to make further representations supporting the District Councils bid.
- 3.4 On the 1 November 2018 the Secretary of State announced his final decision regarding Modernising Local Government in Buckinghamshire (HCWS1058) concluding that "the right course of action is to establish a new single unitary district council for Buckinghamshire" (Annex A & B).
- 3.5 Assuming the Secretary of State's announcement is implemented, this means:

- All 5 principal councils in Buckinghamshire (Buckinghamshire County Council, Aylesbury Vale District Council, Wycombe District Council, Chiltern District Council, South Bucks District Council) would be abolished on the 1 April 2020
- The new council will come into being on 1 April 2020
- Draft orders will be prepared and placed in Parliament in early 2019, which will set out the broad operating rules and arrangements for the new Council, and as part of which a Shadow Authority will be formed shortly after the Orders are given parliamentary consent.

A copy of the slides from the Members Briefing held on the 14 November are contained in Annex C, which provides further detail and background on the processes and changes that are likely to take place.

- 3.6 The Chief Executive and Leader have already been involved in meetings with representatives from Ministry Housing Communities & Local Government (MHCLG) in particular regarding the drafting of the Orders. A number of important but discrete issues have already emerged where the Council's view is urgently required so that our views can be taken into account in the drafting process.
- 3.7 Firstly, May 2019 would normally be the next election cycle for this Council and Parish and Town Councils. However, should this go ahead it would only be valid for a single year until the new authority is formed in April 2020 followed by elections to the new Council in May 2020. The Secretary of State is seeking this councils view on whether to delay this election cycle until May 2020, extending all Councillors current term for a year, at which point elections for the new Council will be held. This would also include Parish/Town Council elections. For information the May 2019 elections are likely to be a cost in the region of c£300,000.
- 3.8 Secondly, the Council's view has been sought on the number of Councillors for the new Authority. These are required to be in multiples of 49 due to the way the transition arrangements work based upon County Divisions which will become the new councils wards. At the current time either 2 or 3 councillors per new ward are being considered (ie 98 or 147 councillors in total) by the Secretary of State. For reference the current County Council divisions are shown in Annex D.
- 3.9 As background it is worth bearing in mind that the current five councils have some 236 seats in total across all council. The Council has previously expressed concerns regarding local connections for communities and the strength of voice for residents under a single unitary model.. In addition, the Secretary of State draws attention to this issue in his statement (Annex A) *"some have questioned whether such a structure [single unitary] might weaken local democratic engagement at the most local level. To help reassure any who might be concerned on this, I intend to speak with the five councils to determine whether I should modify the proposal before implementing it, in relation to councillor numbers, perhaps providing for three-member electoral wards"*. Whatever the number chosen it is understood that it is likely during the first cycle of the new council that the Boundary Commission would review the arrangements in any case but this will be an issue for the new Council.

- 3.10 Members will of course want to be informed of progress in the creation of the Single New Unitary District Council, and we will ensure that all members are kept up to date with progress, through informal meetings, briefings, updates and where necessary formal reports and decision making.

4 Options considered

- 4.1 These are considered in the report and in earlier reports to council regarding Modernising Local Government.

5 Reasons for Recommendation

- 5.1 To ensure that AVDCs views on these two issues are fed back to the Secretary of State by his deadline of the 30 November 2019.

6 Resource implications

- 6.1 Directly related to this report none, transition funds already agreed through Cabinet and Budget setting will consider the wider implications.

Contact Officer
Background Documents

Chief Executive
16 Jan 2017, 21 March 2018 Council reports on MLG

ANNEX A – Ministerial Statement

Local Government Update: Written statement - HCWS1058

Ministry of Housing, Communities and Local Government

Made on: 01 November 2018

Made by: James Brokenshire (Secretary of State for Ministry of Housing, Communities and Local Government)

In the written statement of 12 March 2018, (HCWS535), my Rt Hon. Friend, the then Secretary of State for Housing, Communities and Local Government (Sajid Javid), told the House that there was consensus amongst the five Buckinghamshire councils that local government across the county should be reorganised, and that two alternative approaches for doing this were being proposed. He announced that he was minded to implement, subject to Parliamentary approval, the locally-led proposal for replacing the current structures with a single new unitary council, and that he was not minded to implement the locally-led proposal for two new unitary councils for the same area. There followed a period for representations.

Since then I have received over 3,000 representations, which I have carefully considered along with all other relevant information available to me. I am clear that there is broad consent for change in Buckinghamshire. A survey, conducted by Opinion Research Services of a representative sample of residents, found that 75 per cent agreed with the principle of reorganisation in Buckinghamshire, and overall 87 per cent of the representations made to me supported change. Both proposals made it clear that retaining the status quo is not an option.

Having assessed both proposals against the criteria that we announced to the House on 28 February 2017 (PQ 65271), I have concluded that whilst both proposals meet the criterion for a “good deal of local support”, only the proposal for a single unitary council satisfies the criteria for “improving local government” and for “being a credible geography” and that in any event the proposal for a single unitary council is better able to meet the criteria overall.

The Government’s policy – as explained to the House by Ministers on 22 May 2018 (Hansard, Col. 336WH) is that we will not seek to impose top-down solutions on local government; where there is a desire and a thrust for more change and innovation we will look to support those involved, according to the criteria we have laid out. Given the desire and thrust for change and innovation in Buckinghamshire, that the five councils agree that the current structures are not sustainable, and that the locally-led proposal for a single unitary is the only proposal that meets the three criteria, I am persuaded that the right course of action is to establish a new single unitary district council for Buckinghamshire.

Accordingly, I am today announcing that I have decided to implement, subject to Parliamentary approval, the locally-led proposal to replace the existing five councils across Buckinghamshire – the two tier structure of Buckinghamshire County Council and the district councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe – by one new single unitary district council, and that I have decided not to implement the proposal for two new unitary councils.

Whilst I am clear that the single unitary proposal fully meets the three criteria, I recognise that some have questioned whether such a structure might weaken local democratic engagement at the most local level. To help reassure any who might be concerned on this, I intend to speak with the five councils to determine whether I should modify the proposal before implementing it, in relation to councillor numbers, perhaps providing for three-member electoral wards. I will also expect the new unitary council, and in the meantime the existing councils, to engage with their local communities about the appropriate arrangements for civic representation for towns

and parishes. I similarly expect the councils to promote and help support the development of neighbourhood plans, as I consider these can be key building blocks for the successful implementation of change in Buckinghamshire that residents deserve.

In March, the then Secretary of State was clear that, in relation to establishing a single council, further steps were needed to secure local consent amongst the local partners. Further steps have been taken, with Ministers having meetings with council leaders. The great majority of local partners do support the proposal for a single unitary council including the police, the ambulance service, CCG, NHS Trust, Independent Chair of the Adult Safeguarding Board, Thames Valley Local Enterprise Partnership, and Bucks Business First. In addition to enjoying a good deal of local support, I am satisfied that the proposal meets the requirement for local consent set out in the Cities and Local Government Devolution Act 2016.

I now intend to prepare and lay before Parliament drafts of the necessary secondary legislation to give effect to my decision. My intention is that if Parliament approves this legislation the new council will be established on 1 April 2020 with the first elections to the council held on 7 May 2020. I intend to explore with the district councils whether they would like me to make and lay before Parliament an Order to delay for one year the May 2019 local elections in Aylesbury Vale, Chiltern, South Bucks and Wycombe, so as to avoid councillors being elected for only one year if Parliament approves the legislation establishing the new council.

From March 2019 the sunset clause means that the consent provisions in the process we are currently using for reorganisations fall away. In future, any proposal considered under the Cities and Local Government Devolution Act process will require unanimous consent from all councils. Alternatively, I may issue a formal invitation for proposals, and the specific circumstances in which I would do so will be set out in due course.

ANNEX B – Ministerial Letter



Ministry of Housing,
Communities &
Local Government

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The Rt Hon James Brokenshire MP
*Secretary of State for Housing, Communities and
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1 November 2018

LOCAL GOVERNMENT IN BUCKINGHAMSHIRE

On 12 March 2018, my predecessor as Secretary of State, the Rt Hon. Sajid Javid MP, announced that he was minded to implement the proposal for a single Buckinghamshire council and that he was not minded to implement the alternative proposal for establishing two councils. He invited representations to be made to him by 25 May 2018.

I am writing to let you know that I have today announced, subject to Parliamentary approval, that I have decided to implement the proposal to create a single Buckinghamshire Council for the whole of the county. Consequently, I have also decided not to implement the two unitary proposal. I enclose a copy of my Written Ministerial Statement.

I received over 3,000 representations, which I have carefully considered along with all other relevant information available to me. I am clear that there is broad support for change to local government in Buckinghamshire. 87 per cent of the representations made to me supported change. A survey, conducted by Opinion Research Services, of a representative sample of residents found that 75 per cent agreed with the principle of reorganisation in Buckinghamshire. Moreover, both the proposals highlighted need for change from the current system - for example, the proposal submitted by the county council stated: *'Services provided by the public sector are increasingly unaffordable... Traditional approaches are not sustainable'*; the proposal submitted by the four district councils stated *'...systemic and innovative change is required [in Buckinghamshire] to ensure that local government is sustainable and meets the changing needs and aspirations of residents and businesses.'*

Having carefully considered both proposals afresh against our publicly announced criteria for assessing unitary proposals, together with the over 3,000 representations I have received and all other relevant information, I consider that there is a compelling case for implementing the proposed single unitary council and that there is no such compelling case for implementing the two unitary proposal.

The single unitary proposal

I have concluded that the single unitary proposal meets all three of our publicly announced criteria, as I explain below.

I have concluded that this proposal would meet the “local support” criterion. I consider that if implemented it would command a good deal of local support. It is supported by the great majority of local partners: the Police and Crime Commissioner; the South Central Ambulance Service; Buckinghamshire Clinical Commissioning Group (CCG); Buckinghamshire Healthcare NHS Trust; Independent Chair of the Adult Safeguarding Board; Buckinghamshire Thames Valley LEP; and Bucks Business First. Overall 35 per cent of the representations I received support the single unitary proposal.

I have also concluded that the single unitary meets the “improving local government” and “credible geography” criteria. It is my view that service delivery will be improved by enhancing social care and safeguarding services through closer connection with related services such as housing, leisure and benefits, and there will be opportunities for improved strategic decision making in such areas as housing, planning and transport. I consider that there will potentially be significant financial savings, which are estimated at around £18 million per year, and that the larger size of the new council will increase financial resilience, help sustain good quality local services and cement partnership working in the area. The new structure will facilitate stronger strategic and local leadership across the area.

I am mindful of the views of the Children's Commissioner who made very clear representations that *‘for various reasons ... children's services can be made to be more effective, stable and sustainable at larger rather than smaller scale’*, and on the importance of not disaggregating Buckinghamshire children's services which would *‘pose a direct risk to vulnerable children in the county’*.

The Buckinghamshire geography has, in my view, a widely accepted credibility that has been in existence for many years. Many public services operate on the existing county council boundary and representations I have received from public sector service providers (Police and Crime Commissioner, South Central Ambulance Service, Buckinghamshire Healthcare NHS Trust and the Buckinghamshire CCG) emphasise that the majority of partner organisations operate on a countywide geography and support a shared geography with the council to improve the overall provision of services in Buckinghamshire. I am also satisfied that Buckinghamshire as a whole represents a functional economic area.

The two unitary proposal

As to the two unitary proposal, I have likewise concluded that this would meet the “local support” criterion – that is if implemented it would command a good deal of local support. There is support for the two unitary proposal from the South East Midlands LEP, a majority of parish and town councils, and overall, 47 per cent of the representations.

However, as I explain below, I do not consider that the two unitary proposal meets either of the other two criteria by which we have said we will assess unitary proposals – “improving local government” and “credible geography”.

Creating two unitary councils as proposed would involve fragmenting the major services of adult care, children's services and transport, and their future provision would be over smaller areas, and not aligned with other public service providers. I have again taken account of the view of the Children's Commissioner, who stated that in the case of Buckinghamshire: *‘any decision which seeks to disaggregate or disrupt the existing children's services construct, as*

it now rapidly moves forward, would be retrograde and high risk and is categorically not supported'.

Whilst this proposal would deliver some level of savings, I do not believe the new unitary councils would have the capacity and scale to be efficient and effective councils. Research into council effectiveness has indicated that size has a significant effect on a number of indicators that are used to measure local authority performance, with better outcomes in larger authorities on some key indicators. A review of the two previous phases of unitarisation highlighted that the reorganisations of the 1990s created relatively small unitary councils which face a number of challenges directly related to their size. The Children's Commissioner was clear that '*Size matters – especially in children's services*'. I consider that creating a unitary council of the size of Aylesbury Vale, with a population of 188,000, would represent an unacceptable risk in terms of service delivery and sustainability.

I am also not convinced that the differences between north and south Buckinghamshire are such that Buckinghamshire as a whole does not form a functional economic area. Data on the Wycombe and Aylesbury Vale Travel to Work Area does not support the view that Aylesbury is a separate economic area, and there are road and rail links between the two areas. Whilst there are clearly some differences between the north and the south, the public sector service providers that made representations all supported the single unitary option on the basis that it would match their existing geography and improve service delivery, which is not consistent with the view that the differences between north and south constitute a barrier to service delivery.

Even if I had decided that the proposal for two authorities met the publicly stated criteria, I would then have decided, for the reasons set out above, that the single unitary proposal was preferable and more likely to be in the public interest, having regard to those criteria, than the proposal for two new councils.

The way forward

In his March announcement, my predecessor as Secretary of State said that he considered that, in relation to establishing a single unitary council, further steps would be needed to secure local consent amongst the local partners. The Minister without Portfolio, the Rt Hon. Brandon Lewis MP, has had discussions with the council leaders seeking to facilitate this. The great majority of local partners do support the proposal for a single unitary council including the Police and Crime Commissioner; the South Central Ambulance Service; Buckinghamshire CCG; Buckinghamshire Healthcare NHS Trust; Independent Chair of the Adult Safeguarding Board; Thames Valley LEP; and Bucks Business First. I am satisfied that in addition to our policy criterion requiring a good deal of local support, the proposal meets the requirement for local consent as set out in the Cities and Local Government Devolution Act 2016.

Accordingly, given the overwhelming case for change, that the locally-led proposal for a single unitary is the only proposal I have received which I consider meets the criteria, and in any event of the two proposals for change, it is the single unitary proposal that better meets the criteria, I have decided to implement, subject to Parliamentary approval, the single unitary proposal and not to implement the two unitary proposal.

I now propose to seek Parliamentary approval for the necessary secondary legislation providing for the new unitary council to be established on 1 April 2020, for the first elections to be held on Thursday 7 May 2020, and for the necessary transitional arrangements involving a shadow authority. In early January I intend to lay drafts of the secondary legislation before Parliament, before which we will be sharing drafts with you and your officers and seeking as necessary any consents.

As I made clear in my Parliamentary statement, I also expect the new unitary council, and in the meantime the existing councils, to actively engage with their local communities about the appropriate arrangements for civic representation for towns and parishes. I similarly expect the councils to promote and help support the development of neighbourhood plans, as I consider that these can be key building blocks for the successful implementation of change in Buckinghamshire.

Modifications to the proposal

Statute enables me to implement a proposal I receive with any modification I consider appropriate. There is one modification I am considering. Whilst the number of members for the new council will ultimately be determined by the Local Government Boundary Commission for England when it undertakes its electoral review, the implementing secondary legislation must set out the number of members which will apply until the Commission has undertaken its review. The single unitary proposal envisaged 98 members. However, I recognise that some have questioned whether such a structure might weaken local democratic engagement at the most local level. I would therefore like to understand whether it might be beneficial to make a modification providing for three-member electoral wards, based on the current county council divisions. I would welcome your views on this as soon as practicable.

May 2019 district council elections

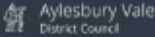
I am also considering whether to make an order to postpone the May 2019 elections in all four district councils – Aylesbury Vale, Chiltern, South Bucks and Wycombe – to May 2020. This will avoid members being elected for only one year, if Parliament approves the legislation establishing the new unitary council. Such an order would need to be made in the coming weeks before preparations for the May 2019 elections begin, and I would welcome your urgent comments on this.

I am writing in similar terms to the other Buckinghamshire council leaders. I am also writing on this matter to the Buckinghamshire MPs, the Lord Lieutenant, the Chairs of the Buckinghamshire Thames Valley and South East Midlands Local Enterprise Partnerships and the Chair of the Local Government Association.



RT HON JAMES BROKESHIRE

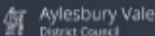
ANNEX C – Copy of Slides Members Briefing Nov 2018



Aylesbury Vale
District Council

Members Unitary Briefing

Nov 2018



Aylesbury Vale
District Council

Covering

- What has happened
- What it means
- Q & A
- What Next

What has happened ?

- Sec of State has made his announcement
 - *"the right course of action is to establish a new single unitary district council for Buckinghamshire"*
 - New Council – merger of all 5
 - Drafts of the necessary secondary legislation to prepare 'orders'
 - Shadow Authority to be formed
 - Start date of April 2020 subject to parliament
 - Delay 2019 local elections – subject to agreement

What it means ?

A new council will be formed - 5 into 1 and the 1 is completely new



New District Council with Unitary Powers

So what is it in our case ?

A new District Council with Unitary powers

- Dorset Style but new
 - All councils are abolished
 - A new District Council that covers the whole of the County Area
 - County does not have an Authority
 - The District has a Council
 - The power of that District are the powers of a District and a County
 - Shadow authority is created to deliver the transition

Shadow Authority

- like Dorset then ...
 - First meeting within 14 days of order agreed
 - All current Councillors are members - 236 in Bucks
 - Shadow Authority should elect a chair of Exec Committee
 - Set out a basic constitution and appoints interim statutory officers (CEO, s151, MO)
 - Establish the Executive Committee (ie Cabinet)

Shadow Executive

- Composition of the Executive - Membership will be specified in the Orders
- Leader is elected
- 'Strong Leader' executive model
- Executive will steer the transition

Implementation

- The Shadow Authority must establish an implementation plan & budget
- Plan to continue to deliver existing councils functions
- Shadow Authority appoints a Central Implementation Team
- An officer to lead
- Officers continue to be employed by existing councils until April 2020
- At the point of the orders being approved by Parliament (March 2019) – restrictions are placed on all of the councils in terms of actions and spend

The Councils

- Share the costs of the Shadow arrangements – no gov money
- Must 'generally exercise their functions so as to further the purposes of the order'
- Must release officers to the implementation team
- Must share information in accordance with the Orders
- Must carry on day to day business

Electoral Arrangements

- Members of new Council must be multiples of 49 ie 98 or 147
- Electoral Wards will be County Divisions
- The Shadow Authority will appoint the Returning Officer
- Elections to the new authority in May 2020
- If elections happen in 2019 it will be for just 1 year – still have to have 2020 elections
- Next elections for new council likely 2024/5
- Parish & Town Councils will move to the new cycle as well

Staff

- Most Staff will move under a TUPE style arrangement
- Some will be lost as the new authority is formed – eg senior officers
- Interim roles for Shadow period have to be confirmed formally
- Once in the new authority there will be a long process of restructures and work to bring the functions and staff together
- Greatest risk at present is we lose key staff due to the process and are not able to re hire (or at significant cost)

Timeline

- Negotiations with MHCLG to agree draft orders - **Before 30 Nov**
- Orders laid 14 January 2019
- Have to be approved both houses – by 29 March 2019
- Once agreed within 14 days Shadow Authority meets
- 1 April 2020 new council takes over, existing 5 dissolved
- Shadow Executive only remains in power until May 2020
- May 2020 elections held for 4 years
- Boundary Commission review to look at wards and members – potential for member numbers to drop by 2024

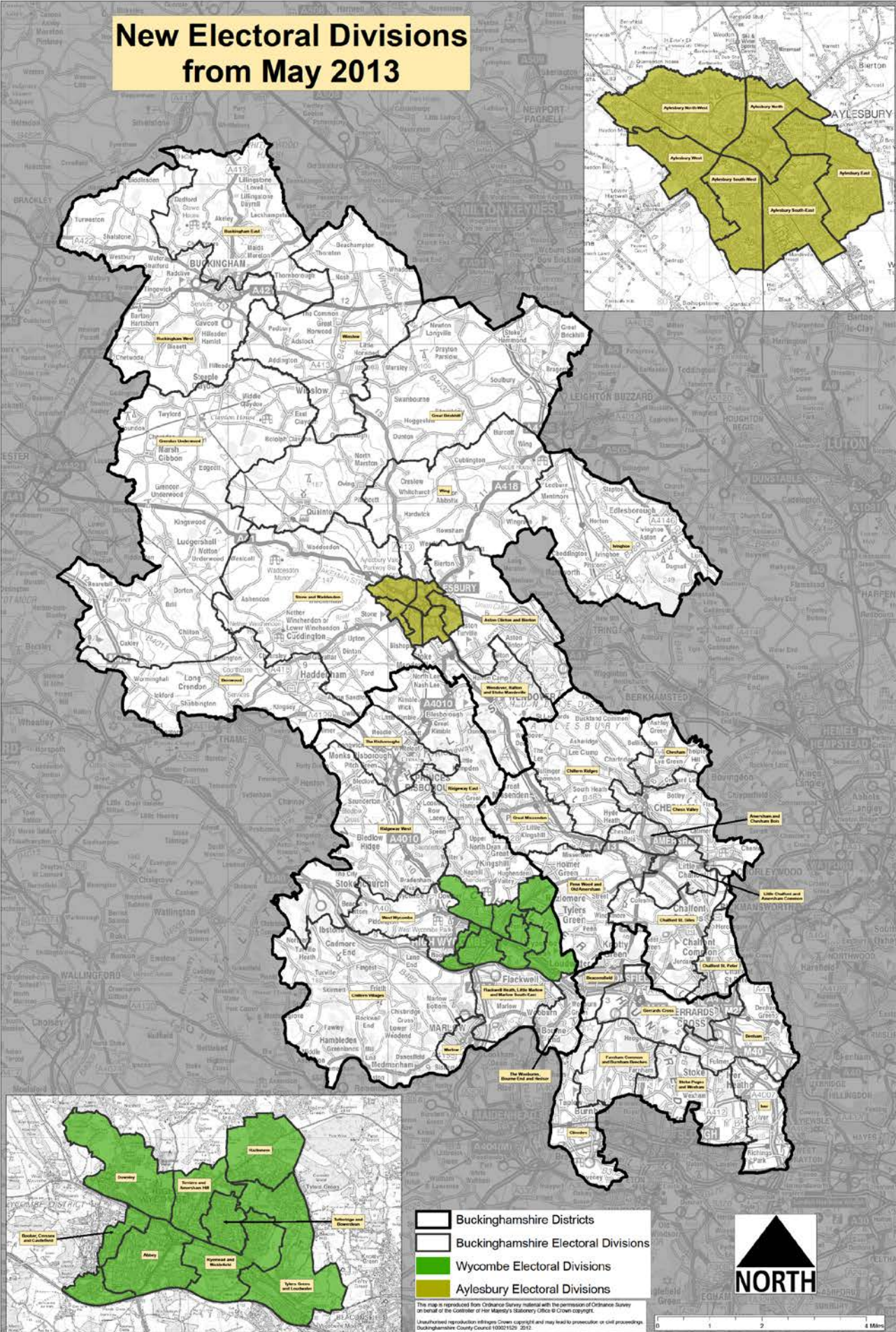
Areas of Influence

- Number of Members in Shadow Authority
- Composition of Executive Committee
- Electoral Arrangements
- Representation on Executive Committee
- Selection of Leader
- Statutory Officers

What Next ?

- Meetings with MHCLG Officials & Ministers continue next 3 weeks
- Prior to end of Nov – 'our' view on member numbers and elections
- We will keep making sure you are informed
- General Purposes/Special Council meeting towards end of Nov likely
- Council 12 Dec will consider a Unitary Report
- Questions through Group Leaders
- Need to ensure normal business carries on

New Electoral Divisions from May 2013



- Buckinghamshire Districts
- Buckinghamshire Electoral Divisions
- Wycombe Electoral Divisions
- Aylesbury Electoral Divisions



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