

## Report to Cabinet

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**Title:** Modernising Local Government Update

**Date:** Monday 12 November 2018

**Author:** Leader

**Contact officer:** Roger Goodes, 01296 674486

**Local members affected:** All

**Portfolio areas affected:** All

*For press enquiries concerning this report, please contact the media office on 01296 382444*

### Summary

To enable Cabinet to consider preparations for modernising local government in Buckinghamshire.

### Recommendation

**The Cabinet is recommended:**

- 1) To **NOTE** the recent decision from the government to implement a new single unitary council in Buckinghamshire; a further report to Cabinet will be provided when more detailed information is available.

#### **A. Narrative setting out the reasons for the decision**

1. On 1 November 2018, the Secretary of State for Housing, Communities and Local Government confirmed his decision, subject to parliamentary approval, to implement a new single unitary council for Buckinghamshire to replace all five existing councils.

2. The full text of his written statement is as follows:

*“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.”*

3. The Leader has subsequently written to district council colleagues restating our commitment to discussions and collaboration to implement the government’s decision. We welcome the opportunity to work in partnership to implement a brand new council combining the best of all our existing county and district councils, in the best interests of residents across the county.

### **Next steps**

4. Our immediate focus now is to work with our district council colleagues and the government to develop the detail of the transitional arrangements to take forward this change.
5. As set out in his statement, The Secretary of State will be holding discussions with all existing councils around whether there should be any modifications to the original single unitary proposals, particularly in terms of councillor numbers. In addition, he will seek views from the district councils on potentially delaying the local elections scheduled to take place in 2019. We recognise that these discussions will also have implications for parish council elections.
6. Following these discussions, the Secretary of State will then lay the necessary legislation in Parliament to implement his decision. We anticipate this will be in the form of a Structural Change Order (SCO), the effect of which will be to abolish the County Council and the four district councils on 1 April 2020, and to establish in their place a new single unitary council.

7. The Structural Change Order should also confirm the governance arrangements for the transition to the new council, including the membership of a joint executive (elected members from across all existing councils) and a senior officer implementation group (Chief Executives from across the existing councils, plus supporting officers).
8. Of paramount importance will be that services for our residents continue as normal throughout the transition period and that existing improvement, transformation programmes and savings plans continue.

**B. Other options available, and their pros and cons**

9. Not applicable.

**C. Resource implications**

10. As the original business case for a single unitary council was submitted to government more than two years ago, work will need to take place to update the financial assumptions and determine the implications of any modifications to the original proposals for savings.

**D. Value for Money (VfM) Self Assessment**

11. As above.

**E. Legal implications**

12. The Secretary of State for Housing, Communities and Local Government will lay before Parliament drafts of the necessary secondary legislation to give effect to his decision.

**F. Property implications**

13. It is envisaged that property issues will be considered under the transitional governance arrangements.

**G. Other implications/issues**

14. It is expected that the transition arrangements will take account of the report from the Department for Education's Children's Commissioner for Buckinghamshire, which reflected the need to avoid children's social care services being disrupted by corporate organisational change.

**H. Feedback from consultation, Local Area Forums and Local Member views**

15. Comprehensive local engagement and consultation has been undertaken throughout the process to date (for details, please see <http://futurebucks.co.uk/engagement/>). The Secretary of State's statement sets out the importance of continuing engagement with local communities by the unitary council and in the meantime, the existing councils.

**I. Communication issues**

16. Retaining the skills, talents and capacity of the workforces of the district councils and the county council will be fundamental to the transition to a successful new unitary council. This will require regular, proactive communications and engagement with employees of all existing councils and their union representatives.

17. In addition to specific engagement with local communities (section H), there must also be regular communications for residents; key partners and stakeholders, including town and parish councils; and the existing councils' contractors. All these groups should be informed and involved with the progress of the transition to a brand new council.

#### **J. Progress Monitoring**

18. It is envisaged that progress monitoring will be undertaken under the transitional governance arrangements, as confirmed within the government's Structural Change Order.

#### **K. Review**

19. Not applicable

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### **Background Papers**

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-11-01/HCWS1058/>

<http://futurebucks.co.uk/business-case/>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/724775/Buckinghamshire\\_children\\_s\\_commissioner\\_s\\_report\\_June\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724775/Buckinghamshire_children_s_commissioner_s_report_June_2018.pdf)

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### ***Your questions and views***

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.*