

Cabinet 10 January 2019

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Report to Cabinet

Title:	Unitary Transition Arrangements – Appendix
Date:	Thursday 10 January 2019
Author:	Leader of the Council
Contact officer:	Sarah Ashmead
Local members affected:	All
Portfolio areas affected:	All

Summary

This appendix to the Unitary Transition Arrangements Cabinet report dated 10th January 2019 outlines the details within the draft Structural Changes Order confirming the arrangements for the transition to the new Council.

A draft of the structural change legislation - *The Buckinghamshire (Structural Changes) Order 2019 and The Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019*, has been sent to the County and District Councils, together with a letter from the Secretary of State outlining the changes. A copy of this letter to this Council is attached as Appendix 2.

The draft Regulations are scheduled to be laid before Parliament on 14th January 2019 with the draft Structural Changes Order following shortly afterwards and, subject to Parliamentary approvals, expected to take effect in April or May 2019.

As set out in paragraphs 4 and 8 of the main report, in accordance with Section 15 of the Cities and Local Government Devolution 2016 Act, the Regulations to amend other legislation to implement the Secretary of State's decision require the consent of at least one of the relevant local authorities. In separate correspondence the Ministry of Housing, Communities and Local Government has asked the County Council to consent to the making of *The Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019*. If authority is given the County Council will reply consenting to this.

Recommendation

1. In line with the main report Unitary Transition Arrangements Cabinet is recommended to confirm that the County Council gives consent to the making of the Regulations. This consent is on the basis of the Secretary of State's decision on the draft Structural Changes Order as set out in the letter at Appendix 2 and detailed in the table at paragraph 1 below.
2. Cabinet is also recommended to delegate to the Leader responsibility for appointing the County Council's nominees to the Shadow Executive.

A Background

1. The Secretary of State has confirmed that the key arrangements for the implementation of the County Council's single unitary proposal are as detailed below.

Details of Draft Structural Changes Order	
Name of Council	The new Council will be called Buckinghamshire Council. This is in accordance with the County Council's business case that was accepted by the Secretary of State.
Number of Elected Members	The new Council will have a total of 147 elected members. These will be elected based on the existing 49 County Council wards. This will provide for 3 members for each of the existing wards of the current County Council. The original business case from the County Council asked for 98 members.
Elections to new Unitary Council	Elections to the new Unitary Council will take place on Thursday 7 th May 2020. The term of office for members elected to the new Council in May 2020 will initially be five years with the next elections planned for May 2025. Subsequent terms will revert back to four years thereafter.
District and Town and Parish Council Elections	Separate orders have already been laid by the MHCLG confirming the elections for both the District and Town and Parish Councils planned for May 2019 will be deferred. The Town and Parish Council elections will instead take place in May 2020, alongside the elections to the new Unitary Council.
Shadow Authority	This will be made up of all existing County and District Councillors, a total of 202 elected members taking into account 34 councillors who currently sit on both the

	County and a District Council
First meeting of the Shadow Authority	The first meeting of the Shadow Authority is to be convened by the proper officer of the County Council with a deputy, who is the proper officer of Wycombe District Council. In accordance with the County Council's constitution the designated officer for the County Council will be Sarah Ashmead.
Shadow Executive	<p>The Shadow Executive will consist of 17 County and District members. This will consist of the Leader of the County Council, eight members nominated by the County Council and two members nominated by each of the four District Councils. The chair of this group will be the Leader of the County Council.</p> <p>The draft order also allows for substitute members to be nominated for each permanent member of the Shadow Executive.</p>
Implementation Team	The Shadow Executive Committee will also create an Implementation Team that will manage the change to the new council. This will be made up of officers across the county and district councils and will be led by the Chief Executive of the County Council with an officer of one of the District Councils acting as the deputy implementation team leader.

2. The Shadow Authority will be established once the Structural Changes Order takes effect which is expected to be in April or May 2019; its first meeting has then to take place within 14 days of the order coming into effect.
3. The Shadow Authority will undertake specific functions associated with the creation of the new council including setting a budget for the new council.
4. The Shadow Authority will establish a Shadow Executive. The functions conferred on the Shadow Authority are to be delegated to, and discharged by, the Shadow Executive. The Shadow Executive will need to meet within 21 days of the Structural Changes Order coming into effect.
5. The Leader of the County Council will chair the Shadow Executive and a Deputy Chair will be chosen from one of the members of the Shadow Executive nominated by the District Councils.

6. It is proposed that the Leader is authorised to appoint the members of the County Council who will sit on the Shadow Executive.
7. Three interim officer posts will be created under the Shadow Authority, which are to be filled by officers from the existing councils and will carry out their required duties on behalf of the Shadow Authority. There will be no additional remuneration for these posts which will remain in place until the substantive appointments are made to these posts in the new Council. The posts are Head of Paid Service, Chief Finance Officer, and Monitoring Officer.
8. The designation of the interim officers will be the responsibility of the Shadow Executive subject to consultation with members of the Shadow Authority. The final decision will rest with the Shadow Executive.

B. Implementation of the Proposal for a Single Unitary Council

9. The draft Structural Changes Order confirms the Implementation Plan for the new Council must have regard to the information supplied to the Secretary of State by the county council in support of its proposal for a single tier of local government in Buckinghamshire.
10. This is referenced in the letter from the Secretary of State to each Council (Appendix 2) which states that he has *'decided to implement the county council single unitary proposal, and the shadow authority and executive must have regard to that proposal in discharging the functions for transitioning to the single unitary authority set out in the Structural Change Order'*. The proposal includes implementation of the following:
 - To have a single voice, speaking on behalf of residents, businesses and partners.
 - To be more local and to enable greater empowerment at a local level, through the establishment of new local 'community boards' and a new devolution offer to town and parish councils.
 - To improve the quality, cohesiveness and accessibility of services, with local delivery enabled by a network of multi-agency Community Hubs.
11. The draft order also states that the Shadow Authority and Executive must have regard to the June 2018 report from the Children's Commissioner, and advice from Hampshire County Council as improvement advisers for Buckinghamshire Children's Services.



Ministry of Housing,
Communities &
Local Government

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Dear Councillor Tett,

On 3 January you met my officials and Special Adviser Lee Scott. In this meeting, my decision on the details of the structural change legislation was communicated and I am now writing to confirm this. I have considered all the information available to me, including that from your earlier discussions with Lee Scott and the written representations I have received. I intend to lay the legislation before Parliament as soon as is practicable.

Before I turn to the details of the structural change legislation, I want to express my gratitude for the constructive way in which everyone has engaged with this process. I remain confident that implementing the proposal from Buckinghamshire County Council, for a single unitary district council, is the right course of action and that it will be a successful implementation, which will significantly benefit those who live or work in Buckinghamshire.

My approach with respect to these details has been to seek consensus between all the Buckinghamshire councils, as I believe that you are best placed to determine these local arrangements.

You have all agreed the following points which will be provided for in the legislation: that the name of the new council should be Buckinghamshire Council; that following the first elections for the new Buckinghamshire Council in 2020, the second elections should follow in 2025 and subsequent elections every four years thereafter; and that where councillors on the shadow authority represent both a district council and a county council, they will have only one vote.

With respect to the makeup of the shadow authority, I have decided in the interests of local democratic accountability that the membership of the shadow authority will include all councillors currently serving a Buckinghamshire council. I understand this means that the shadow Buckinghamshire Council will have a maximum membership of 236, which in practice will be reduced by the number of twin hatters on the authority.

It will be the responsibility of the shadow executive to discharge the functions of the shadow authority and prepare the implementation plan, except as otherwise

provided. Principally, it will be for the shadow authority to set the 2020/21 council tax and budget, which it will be the responsibility of the executive to prepare. On the make-up of the shadow executive, I have decided that this will be formed of 17 members of the shadow Buckinghamshire Council, and that the Chair and Leader of the shadow executive will be the current Leader of Buckinghamshire County Council. The chair of the executive will be a full voting member of the executive, but will have no casting vote. There will be eight further members to represent the county council and eight further members to represent the district councils, two from each. As you have agreed, the nominations will be made by the councils, who will also nominate substitute members (in the case of the county council this will include a substitute for leader). However, the leader's substitute will not take the role of deputy leader of the executive, nor will the leader's substitute chair the executive. There will be a deputy leader of the shadow executive, elected by the district council nominated members of the shadow executive at its first meeting, who would chair the meeting of the shadow executive if the Leader is absent.

I have decided to implement the county council single unitary proposal, and the shadow authority and executive must have regard to that proposal in discharging the functions for transitioning to the single unitary authority set out in the Structural Change Order. Given the importance of children's services, the structural change legislation will also require the shadow authority and executive to have regard to the June 2018 report from the Children's Commissioner and advice from Hampshire County Council as improvement advisers for Buckinghamshire Children's Services. It is important that the progress that has been made within children's services is not adversely affected by the significant change programme that the executive will be implementing.

The structural change legislation will also specify the following: the first meeting of the shadow authority should be convened by the proper officer of the county council, with the Wycombe proper officer as a deputy; the leader of the implementation team will also be the chief executive of the county council; and the appointment of the interim statutory officers will be the responsibility of the shadow executive, following consultation with the members of the shadow authority.

With regard to the size of the new unitary authority, the structural change legislation will specify that each ward (existing county electoral divisions) will return 3 members, giving a total of 147 members on the new council.

I am writing in similar terms to all the Buckinghamshire council leaders. I am copying this letter to the Buckinghamshire MPs and to Rt Hon Brandon Lewis MP.

Thank you again for your co-operation and hard work in recent weeks. We will continue to provide whatever support we can as you undertake this implementation of a new single unitary district council, for the benefit of the people of Buckinghamshire.

Yours sincerely,


RT HON JAMES BROKESHIRE MP