

CABINET

Meeting - 28 November 2018

Present: N Naylor (Leader), J Read (Deputy Leader), B Gibbs, P Hogan, D Smith and L Sullivan

173. DECLARATIONS OF INTEREST

Councillors B Gibbs and L Sullivan declared a personal interest in item 4: Implementation of the New Unitary District Council being Members of Buckinghamshire County Council.

174. IMPLEMENTATION OF THE NEW DISTRICT UNITARY COUNCIL

On 1 November 2018, the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG), James Brokenshire, announced a decision in favour of a single new District Unitary Council, for the whole of the current administrative area of Buckinghamshire County Council, in a Written Ministerial Statement (WMS). The new authority would be implemented on 1st April 2020 and elections to the Council would take place on 7th May 2020. The statement included some matters already decided and others which he intended to consult on before reaching a decision.

The report sought approval to the process for agreeing the wording of representations to be made in response to the WMS. It also sought to ensure that sufficient resources were available to enable the authority to respond to the requirements of the proposed Structural Change Orders, which would set out how the new Council would be created, and to support transition within the Council.

The Leader, whilst presenting the report, proposed that the recommendations in the report be recommended to Council, subject to the words "other District Leaders" being inserted after the word "Leader" in recommendation 2.

The timescales for its implementation, set out by the MHCLG, were very short and a Joint Submission would be sent to the Secretary of State by all four District Authorities. Delegated authority was required for the Chief Executive in consultation with the Leader as there would not be enough time to call meetings.

Portfolio Holders were then asked for their views on specific items in the proposed Orders which were considered in turn.

The first proposal considered was the District and Parish Council elections, due to be held on 2 May 2019, being postponed to 7 May 2020, to avoid a term of office of

only 1 year. A further proposal would be made that the next round of elections would take place in 2025 to align the cycles. Portfolio Holders were in agreement on this proposal.

The Secretary of State suggested in the WMS that there could be 3 Members per Electoral Division (totalling 147 Members), rather than the 2 Members per Electoral Division (totalling 98 Members) proposed by the County Council. A Boundary Review would be carried out once the new Authority was formed. Portfolio Holders discussed the size (number of Councillors) of the new District Unitary Council. Portfolio Holders agreed that democratic representation was an important issue, and a democratic deficit should be avoided by ensuring that there were sufficient Members to represent residents and to take on the work that would be required at the start of the new Authority.

In spring 2019 a Shadow Authority would be set up comprising of all District and County Councillors to carry out transition powers. A smaller Shadow Executive would be responsible for making day to day transition decisions. The representation of each Council on the Shadow Executive would be set out in the Order, and the view of the District Leaders was that there should be equal representation on the Shadow Executive from each of the 5 Councils (20% for South Bucks). This approach was endorsed by Portfolio Holders.

Portfolio Holders were then asked for their views on the process for electing a Leader of the Shadow Executive. This could be decided by the Shadow Executive, by the Shadow Authority, or the MHLG could specify the Leader in the Order. Portfolio Holders felt that the Shadow Authority should elect the Leader as this was considered more democratic because all Councillors would have a say on this issue. This also reflected the arrangement for electing the Leader at the existing Councils.

The Leader advised that there were "twin hatted" Members who were both District and County Councillors. Members' views were sought on whether those Members should be entitled to 1 or 2 votes on the Shadow Authority. A comment was made that if there was only one vote it would result in only half of their residents being represented. Some Portfolio Holders felt that one vote per Member was preferable.

There was a discussion on the name of the new Council. The proposals were "Bucks Council" or "Buckinghamshire Council", with District Leaders giving a preference for Bucks Council, since the new District Council was not co-terminus with the original Shire County, which includes Milton Keynes.

During the discussion a Portfolio Holder suggested keeping 'Unitary' in the title to show that it was a new type of council. The Head of Legal and Democratic Services clarified that this was more of a legal term. The Chief Executive commented that as a legal term adding this word would not provide any further clarity to the public.

The Leader commented that the advice from Government was that the Shadow Authority would need to have regard to the County Council's bid but might possibly also need to have regard to the District Council's submission and any proposals should therefore be carefully considered as part of the implementation programme.

Cabinet were thanked for their comments, which would be taken into account when formulating the representations in response to the WMS.

RESOLVED that Cabinet noted that the Leader will continue to take part in discussions with the County Leader, other District Leaders, Ministers and other parties with a view to taking forward the implementation provided that where decisions are required from this authority these will be made in accordance with existing governance requirements.

RECOMMENDED to Council:

1. That the wording of the representations to be made in response to the Written Ministerial Statement and the proposed content of the Structural Change Orders on single tier arrangements for Buckinghamshire be delegated to the Chief Executive in consultation with the Cabinet Leader.
3. That a provisional budget be set aside in 2019/20 for the delivery of the implementation to include the proportion of the costs of the Shadow Authority as may be required, project management resource and provision for potential redundancy costs in 2019/20 that may fall directly to South Bucks District Council subject to a review at year end by the Director of Resources in consultation with the Portfolio Holder for Support Services.

The meeting terminated at 5.24 pm