

Cabinet Minutes

Date: 9 January 2019

Time: 6.05 - 7.38 pm

PRESENT: Councillor Ms K S Wood (Executive Leader of the Council - in the Chair)

Councillor Mrs J A Adey	- Cabinet Member for Environment
Councillor D H G Barnes	- Deputy Leader and Cabinet Member for Strategy & Communications
Councillor S Broadbent	- Cabinet Member for Economic Development and Regeneration
Councillor D A Johncock	- Cabinet Member for Planning
Councillor Mrs J D Langley	- Cabinet Member for Housing
Councillor G Peart	- Cabinet Member for Community
Councillor D M Watson	- Cabinet Member for Finance and Resources
Councillor L Wood	- Cabinet Member for Digital Development & Customer Services

By Invitation

Councillor Z Ahmed	- Deputy Cabinet Member for Strategy and Communications
Councillor Miss S Brown	- Deputy Cabinet Member for Community
Councillor G C Hall	- Deputy Cabinet Member for Environment
Councillor R Raja	- Leader of the Labour Group
Councillor S Saddique	- Deputy Cabinet Member for Finance and Resources
Councillor A Turner	- Deputy Cabinet Member for Planning

73 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs S Adoh (Deputy Cabinet Member for Housing), D Carroll (Cabinet Member for Youth and External Partnerships), C Etholen (Deputy Cabinet Member for Digital Development and Customer Service), T Green (Chairman of Council), M Harris (Deputy Cabinet Member for Economic Development and Regeneration) and D Knights (Chairman of the Improvement and Review Commission).

74 DECLARATIONS OF INTEREST

There were no declarations of interest.

75 ARRANGEMENTS FOR TRANSITION TO A NEW UNITARY COUNCIL

The Leader of the Council invited the Chief Executive and Head of Democratic Legal and Policy Services to give a presentation directly to Members due to the complexity of the subject, and in light of new information that had been provided at

a meeting with the Ministry earlier the same day. The Chief Executive of the Council gave a comprehensive presentation to update the meeting on the background to the processes that had been undertaken thus far in relation to a new single unitary council for Buckinghamshire. She confirmed during her introduction to the report before Cabinet that the five councils to be replaced were Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District Council.

Cabinet recalled that on Thursday 1 November 2018, James Brokenshire, Secretary of State for Housing, Communities and Local Government, had published a written ministerial statement with his decision about unitary councils in Bucks. The Secretary of State's decision was to establish a new single unitary district council for Buckinghamshire, to come into effect in April 2020.

The Chief Executive confirmed that following the ministerial statement on 1 November 2018, the Leaders and Chief Executives of all five of the councils and representatives from the Ministry for Housing, Communities and Local Government (MHCLG) had held meetings with regards to discussing the content of the Structural Change Order. It was noted that on Thursday 3 January 2019, the MHCLG, had communicated to the Leaders and Chief Executives the content of the Structural Change Order. A summary of the decisions made by the Secretary of State was set out in the report, including the Districts' view, County view, and the decisions of the Secretary of State.

The report before Cabinet set out the context of the key decisions which would be contained within the draft Structural Change Order and explained the parliamentary processes. The main decisions were:

- the name of the new council would be Buckinghamshire Council
- the new council would start on 1 April 2020
- there would be 147 councillors in the new council – three members per ward.
- the Leader of the County Council would 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.
- the Leaders had agreed by consensus that “twin hatters” would only have one vote on the Shadow Authority
- the Chief Executive of the County Council would lead the implementation team
- the first term of the council would be for five years, until May 2025
- there would be a boundary review to look at wards and the number of members, with the potential for members numbers to decrease for the 2025 elections.
- elections would be every four years after 2025

During detailed discussions, Cabinet expressed considerable concern in relation to the decision to specially identify the Leader of the Shadow Executive, without the option to have a democratic vote involving all of the Shadow Authority Councillors, as was normally the case in reaching these decisions.

The Chief Executive then informed the Cabinet that although the Council had originally been informed that the draft Structural Change Order and regulations

would be laid before Parliament on 14 January 2019, following a meeting with MHCLG prior to the Cabinet meeting, she confirmed that the draft Order (Structural Change) would now be laid before Parliament in March 2019. The Modification Regulations would continue to be laid on 14 January 2019.

Cabinet discussed the implication of the Order and Regulations being delayed due to the time taken to make changes to the Orders, and the implication this would have for the Council going forward. Cabinet expressed their concerns and empathised with the Officers of the Council, who had faced prolonged uncertainty. It was felt that the further delay in progressing the Order was not a favourable outcome in relation to providing staff with clarity in a timely manner. The Cabinet commended the staff for their continued dedication under difficult circumstances.

It was noted that, the five authorities were continuing to work together and had already started work on various work streams. It was emphasised that there was a great deal of work to complete in a limited timeframe.

The Head of Democratic, Legal and Policy Services confirmed that unless all five local authorities in the area consented to the Regulations, they would need to be made by Parliament before the end of March due to the sunset clause. She confirmed that if they were made in that timescale consent to the Modification Regulations was only required from one of the five local authorities for the Secretary of State to proceed, without the requirement for an invitation and for the Secretary of State to conduct public consultation. She then confirmed that the meeting would need to take any privileged legal questions in private session.

During discussion, the meeting agreed to move into exempt session, to discuss legal matters, and then moved back into open session, prior to the decisions being taken. It was confirmed that staff were able to remain in the meeting during the private session.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That pursuant to Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the press and public be excluded from the meeting during consideration of Minute No 75, because of its reference to matters which contain exempt information as defined as follows:

Minute 75 Arrangements for Transition to a New Unitary Authority

Information in which a claim to legal professional privilege could be maintained in legal proceedings.

(The need to maintain the exemption outweighs the public interest in disclosure, because disclosure could prejudice the Council's legal position)

During the private session, Cabinet Members asked various questions with regards to the options available to the Council in relation to the Orders and

processes being undertaken. The Head of Democratic, Legal and Policy Services, set out the legal requirements and responded to the legal questions asked.

The meeting then moved back into open session for the remainder of the meeting.

The Cabinet Member for Planning and Sustainability moved an amendment to the first decision (i) to specify that the decision had been taken by the Secretary of State and to confirm that Cabinet had noted the content of the Structural Change Order as of this date (9 January 2019). A seconder was confirmed and the amendment was moved.

As MHCLG required the Council's decision by 10 January the item had been taken under the Urgent Action Procedure, without the requirement for the call-in procedure to apply, under the Council's Improvement & Review Protocol as set out in the Constitution`.

The following decisions were made to enable the Cabinet to consider the proposed content of the Draft Structural Changes Order, which would set out the arrangements for the transition to the new unitary Council in 2020. The decisions were also made to respond to the request from the MHCLG for the Council to consider giving consent to the proposed regulations under the Cities and Local Government Devolution Act 2016.

RESOLVED: That (i) the decisions of the Secretary of State in relation to the content of the draft Buckinghamshire (Structural Changes) Order up to this date (9 January 2019) be noted;
and

(ii) the Council does **NOT** provide its consent in accordance with the provisions of section 15 of the Cities and Local Government Devolution Act 2016.

Chairman

The following officers were in attendance at the meeting:

Karen Satterford	- Chief Executive
Catherine Whitehead	- Head of Democratic, Legal & Policy.
Catherine Spalton	- Communications and Improvement Manager
Catherine MacKenzie	- Principal Democratic Services Officer